*This opinion is nonprecedential except as provided by Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA**
**IN COURT OF APPEALS**
**A25-2231**

Dorothy L. Henschel,
Relator,

vs.

MJ Business Services, Inc.,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed August 24, 2026**
**Affirmed**
**Smith, John, Judge***

Department of Employment and Economic Development
File No. 52079097-3

Dorothy Henschel, St. Louis Park, Minnesota (self-represented relator)

MJ Business Services, Inc., St. Louis Park, Minnesota (respondent employer)

Katrina Gulstad, Keri A. Phillips, Melannie M. Markham, Minnesota Department of Employment and Economic Development, St. Paul, Minnesota (for respondent department)

Considered and decided by Harris, Presiding Judge; Wheelock, Judge; and Smith, John, Judge.

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* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10.

**NONPRECEDENTIAL OPINION**

**SMITH, JOHN**, Judge

We affirm the determination of the unemployment-law judge (ULJ) that relator was ineligible for unemployment benefits because the record substantially supports the ULJ's finding that relator quit her employment without a good reason caused by the employer.

## FACTS

Self-represented relator Dorothy L. Henschel began working for respondent MJ Business Services, Inc. (Tax Shop)[1] in mid-April 2021 as a full-time payroll specialist. Tax Shop provides tax services to clients and employs about eight to 12 employees. Henschel quit her employment on July 31, 2025.

Henschel established a benefit account with respondent Minnesota Department of Employment and Economic Development (DEED).[2] DEED issued a determination,[3] finding that Henschel quit her employment for a good reason caused by Tax Shop and was therefore eligible to receive unemployment benefits. Tax Shop administratively appealed that determination.

[1] MJ Business Services, Inc. also does business as "Tax Shop."

[2] DEED is tasked with administering and supervising all forms of unemployment insurance provided for under federal and state laws. Minn. Stat. § 116J.401, subd. 2(a)(18) (2024). DEED is the primary responding party to any judicial action involving a ULJ's decision. Minn. Stat. § 268.105, subd. 7(e) (2024).

[3] In this context, "determination" is defined by statute as "a document sent to an applicant or employer by mail or electronic transmission that is an initial department ruling on a specific issue." Minn. Stat. § 268.035, subd. 12c (2024).

An evidentiary hearing was held via telephone on September 22, 2025, in front of a ULJ.[4] Henschel and Tax Shop's owner (owner) testified. Following testimony, neither party cross-examined the other nor provided a closing statement.

At the beginning of the hearing, after the ULJ connected by telephone with owner but before Henschel joined the call, owner informed the ULJ about documents he submitted within five days preceding the hearing.[5] The ULJ questioned owner on the timing of his submissions and Henschel's receipt of them but otherwise did not meaningfully discuss the documents. The documents contained statements from former coworkers regarding Tax Shop's work environment. The ULJ added Henschel to the call, informed her of owner's late submission, described the documents, and offered Henschel the "opportunity to reschedule" the hearing. Henschel informed the ULJ that she had only some of the documents but she "d[idn't] really care what they had to say" and it "d[idn't] matter to [her]. We can proceed."

During her testimony, Henschel explained that she quit her employment because of Tax Shop's hostile work environment. She attributed this environment to owner and Tax Shop's office manager (manager). She described "constant in-your-face" behavior with requests of "is that done" or requests for client information. Owner offered conflicting

[4] Upon a timely appeal to a determination, a ULJ must conduct a de novo review hearing. Minn. Stat. § 268.105, subd. 1(a) (2024).

[5] No later than five calendar days before the scheduled date of the hearing, parties may submit any documents they would like to offer as exhibits at the hearing. Minn. R. 3310.2912 (2025). The ULJ must then mail or send electronically the documents to all parties. *Id.* When the ULJ allows for late submissions, parties may submit a written response to the documents. *Id.* But the ULJ is not bound by statutory or common law rules of evidence. Minn. R. 3310.2922 (2025).

testimony regarding manager's conduct, stating that manager's conduct towards the employees was to ensure "that the office flow, the workflow is happening" and was "never in your face yelling or, . . . disrespectful," rather "[s]he just want[ed] update[s] on the work."

Henschel also described when owner asked the employees to sign a "non-compete" agreement, and she refused to sign it. Henschel and owner provided conflicting testimony. Henschel described owner swearing at her, saying she was a problem, and berating and belittling her in front of other employees. In contrast, owner described the document as an "employee agreement" or "non-solicitation agreement," not "a straight non-compete," and explained that it was in response to a former employee's improper solicitation of Tax Shop clients. Owner stated that he needed something in place "for the protection of client data" and "keeping things secure in the office." When the ULJ asked owner what he said in response to Henschel's refusal, owner denied swearing and testified that he told Henschel, "I knew you'd have an issue with it, but if you need to have your attorney read it . . ., please go ahead."

When asked whether she gave advance notice of her resignation, Henschel testified that she gave notice on June 23, 2025, with an intent to terminate her employment effective July 7, 2025. In this notice, Henschel stated that she disliked being "micromanaged and made to feel as though [she was] worthless" and that the payroll department is "a sh-t show." However, after speaking with owner, Henschel decided to stay because she did not want the "clients to suffer," and because owner offered improvements to insurance, salary, and the office environment.

Henschel continued to work, but then on July 31, 2025, she got up and left work. Henschel testified that her decision to leave was because manager "immediately started into [her]" during the morning, and owner asked her "unanswerable question[s]" regarding clients. She described owner as "picking at [her] about it over and over and over again," and manager "yelling at [her]" about how, in response to owner's requests, she was being "rude," "disrespectful," and "can't talk to people like that." Henschel recounted that before she walked out, she said to manager, "I can't be constantly berated, belittled, yelled at, screamed at. I can't do it anymore."

As to the July 31 encounter, owner again offered conflicting testimony. Owner described the interaction as Henschel deciding to walk out "on her own accord" after he asked her, "pretty basic question[s]" about client files and that Henschel responded "disrespectfully" when she told manager, "to tell [owner] to shut up."

The ULJ issued findings of fact and a decision in September 2025. The decision included a finding that Henschel quit her employment without a good reason caused by Tax Shop. The ULJ supported this by stating, "Henschel did not describe a hostile work environment" but "personal and professional conflicts with coworkers and the owner." The ULJ noted that "[w]hile the office environment may have been frequently disruptive with raised voices and disagreements, Henschel contributed equally to the dysfunction." Based on this, the ULJ reasoned that although Henschel "may have had a good personal reason for finding other employment," under these circumstances "an average reasonable person would not quit and become unemployed."

The ULJ based the factual findings on owner's testimony, finding owner's testimony "clear, detailed, and forthcoming" with an "even and calm [tone] throughout the hearing." On the other hand, the ULJ found Henschel's testimony "not credible because she repeatedly interrupted and spoke over the [ULJ], disregarded instructions during the proceeding, disliked being corrected and was consistently defensive." The ULJ also noted that Henschel "exaggerated the behavior of those around her" and "consistently complained about nearly everyone in the office" and "aggravated her working relationships with gossip and negative remarks about others." The ULJ concluded that because Henschel "quit her employment and no statutory exception applies, she is ineligible for benefits."

Henschel requested reconsideration. In her request, Henschel argued that owner's untimely submitted documents should not have been considered. She also submitted new evidence, statements from two coworkers, and made additional arguments challenging the ULJ's credibility determinations.

The ULJ affirmed the decision. In the order of affirmation, the ULJ reasoned that, as to owner's untimely documents, "Henschel waived her right to address the documents at the hearing," because she "knew or should have known that they would be advantageous to Tax Shop." Regarding the two statements Henschel provided as new evidence, the ULJ noted that Henschel did not provide good cause for failing to submit them before the evidentiary hearing and, in any event, determined they would not have changed the outcome because the ULJ "did not give much weight to any of the statements." The ULJ also rejected Henschel's additional arguments raised on reconsideration because they were not presented at the evidentiary hearing. Finally, the ULJ determined that the credibility findings were appropriate and supported by the record and concluded that, because Henschel did "not provide any information or arguments that require changing the decision or ordering another hearing," the decision was "factually and legally correct."

Henschel appeals by writ of certiorari.

**DECISION**

Henschel challenges the ULJ's decision and order of affirmation on three grounds. First, she argues that she is entitled to unemployment benefits because she quit her employment for a good reason caused by the employer. Second, she argues that the ULJ's decision was unsupported by substantial evidence. And third, Henschel argues that this court must remand for further proceedings before a different ULJ because she did not receive a fair hearing.

When reviewing the decision of a ULJ, we may affirm, remand for further proceedings, or modify the decision if the substantial rights of the relator may have been prejudiced because the ULJ's

> findings, inferences, conclusions, or decisions are: (1) in violation of constitutional provisions; (2) in excess of the statutory authority or jurisdiction of the department; (3) made upon unlawful procedure; (4) affected by other error of law; (5) unsupported by substantial evidence in view of the hearing record as submitted; or (6) arbitrary or capricious.

Minn. Stat. § 268.105, subd. 7(d) (2024). We review the ULJ's determination of ineligibility de novo. *Fay v. Dep't of Emp. & Econ. Dev.*, 860 N.W.2d 385, 387 (Minn. App. 2015). We review the factual findings "in the light most favorable to the ULJ's decision," and we "will rely on findings that are substantially supported by the record." *Id.* (quotation omitted).

**I.**

We first address whether the ULJ erred by determining that Henschel did not quit her employment for a good reason caused by her employer, Tax Shop.

An applicant for unemployment benefits is ineligible for benefits if they quit their employment unless an exception applies. Minn. Stat. § 268.095, subd. 1 (2024). One such exception is when "the applicant quit the employment because of a good reason caused by the employer." *Id.*, subd. 1(1). The statute further defines "[a] good reason caused by the employer for quitting" as a reason: "(1) that is directly related to the employment and for which the employer is responsible; (2) that is adverse to the worker; and (3) that would compel an average, reasonable worker to quit and become unemployed rather than remaining in the employment." *Id.*, subd. 3(a). While the applicant's reason for quitting is a question of fact, *see Beyer v. Heavy Duty Air, Inc.*, 393 N.W.2d 380, 381-82 (Minn. App. 1986), whether that reason constituted good cause to quit is a question of law that we review de novo, *see Thao v. Command Ctr., Inc.*, 824 N.W.2d 1, 4 (Minn. App. 2012).

"The standard of what constitutes good cause to quit is whether the reason was compelling, real and not imaginary, substantial and not trifling, reasonable and not whimsical or capricious." *Trego v. Hennepin Cnty. Fam. Day Care Ass'n*, 409 N.W.2d 23, 26 (Minn. App. 1987) (quotation omitted). Further, an applicant subject to adverse working conditions "must complain to the employer and give the employer a reasonable opportunity to correct the adverse working conditions before that may be a good reason caused by the employer for quitting." Minn. Stat. § 268.095, subd. 3(c) (2024).

The ULJ determined Henschel did not quit for a good reason caused by Tax Shop because, "Henschel may have had a good personal reason for finding other employment, but an average reasonable person would not quit and become unemployed under the circumstances." The ULJ reasoned that Henschel "described personal and professional conflicts with coworkers and the owner," not "a hostile work environment" and while the office environment may have been "disruptive," the ULJ determined Henschel "contributed equally to the dysfunction," and the circumstances were not "particularly egregious."

Henschel argues, broadly, that Tax Shop failed to address a hostile work environment, and because of that failure, she experienced "public humiliation, verbal abuse, derogatory remarks, interference with work duties, deliberate targeting of a disability, [and] retaliation for asserting legal rights." DEED argues that Tax Shop's environment did not rise to the level of a hostile work environment as Henschel claims but instead "constitute irreconcilable differences and dissatisfaction with the working conditions."

In support of her argument, Henschel cites *Nichols v. Reliant Eng'g & Mfg., Inc.*, 720 N.W.2d 590 (Minn. App. 2006), and *Ferguson v. Dep't of Emp. Servs*, 247 N.W.2d 895 (Minn. 1976).[6] But Henschel does not show how her case is analogous to either. In

[6] The citation that Henschel provides in her brief is: *Ferguson v. Dep't of Emp't & Econ. Dev.*, 826 N.W.2d 808, 812 (Minn. App. 2013). But the case at this citation is a criminal

*Nichols*, the adverse conduct involved a coworker swearing and saying other threatening remarks towards appellant; letting doors close on her; at one point, hitting a chair appellant was carrying into her chest; and kicking a door open at appellant. 720 N.W.2d at 592. The employee notified the employer of the behavior, and the employer issued oral and written warnings. *Id.* at 596. Here, Henschel references "[f]requent yelling and swearing" in front of coworkers, "[b]elittling remarks about her work and character," "disruptions" making "it difficult to complete" work, and "emotional distress" caused by employer's disregard for her condition called misophonia.[7] Although there are some similarities with the alleged verbal conduct in *Nichols*, there was no physical escalation akin to *Nichols* nor any documented notification to Tax Shop preceding Henschel quitting. Moreover, the ULJ did not find Henschel's claims credible. Thus, *Nichols* is not persuasive.

In *Ferguson*, the conduct involved the employee refusing to work in a room that was not his usual area of work because that area was potentially unsafe. 247 N.W.2d at 896-97. The supreme court addressed only whether the employee voluntarily discontinued his employment, not whether the employee had good cause—the question here. *Id.* at 900-01. Thus, *Ferguson* does not advance Henschel's position.

During her testimony in front of the ULJ, Henschel explained that she quit because owner asked her about work-related matters and because of her interactions with manager.

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case with a different case name, and it is inapposite. Based on the subject matter of this case and the case name Henschel provided, we assume for the sake of this analysis that she intended to direct us to *Ferguson v. Dep't of Emp. Servs.*, 247 N.W.2d 895 (Minn. 1976).

[7] "Misophonia is a condition in which one or more common sounds . . . cause an atypical emotional response." *Merriam-Webster's Collegiate Dictionary* 1014 (12th ed. 2026) (defining misophonia).

Henschel outlined that on the day she "walk[ed] out" it was because owner "ke[pt] at [her]" and "picking at [her] . . . over and over and over again." And that manager confronted her and told her that she was being "disrespectful" and she "can't talk to people like that" after Henschel told manager to tell owner to "shut up." Although Henschel claims the workplace was "hostile," testimony does not reveal it to be more than, as owner described, "person-dependent." And it is unclear how these requests and communications rise above expecting her to comply with reasonable requests. *See Vargas v. Nw. Area Found.*, 673 N.W.2d 200, 207 (Minn. App. 2004) (stating that an employer has a right to expect its employees to comply with reasonable requests), *rev. denied* (Minn. Mar. 30, 2004).

It is also uncontested that Henschel did not give Tax Shop a reasonable opportunity to correct any adverse conditions before quitting. *See* Minn. Stat. § 268.095, subd. 3(c). In her responses to a request for information from Minnesota Unemployment Insurance, Henschel answered that she did not give Tax Shop advance notice that she was going to quit. She attempts to claim that she notified Tax Shop of the adverse working conditions in her June 23, 2025, notice to owner. However, the employment environment here did not rise the level of a hostile environment creating an adverse working condition.

We conclude that the reasons Henschel provides for quitting were not significant enough to compel an average, reasonable worker to quit and become unemployed rather than continue their employment. *See* Minn. Stat. § 268.095, subd. 3(a)(3). Accordingly, the ULJ did not err in deciding Henschel quit her employment without a good reason caused by Tax Shop.

## II.

Henschel argues next that the ULJ's decision is unsupported by substantial evidence.

Appellate courts review a ULJ's factual findings in the light most favorable to the decision and will not disturb those findings if they are supported by substantial evidence in the record. *Stagg v. Vintage Place, Inc.*, 796 N.W.2d 312, 315 (Minn. 2011). "Substantial evidence is (1) such relevant evidence as a reasonable mind might accept as adequate to support a conclusion; (2) more than a scintilla of evidence; (3) more than some evidence; (4) more than any evidence; or (5) the evidence considered in its entirety." *Dourney v. CMAK Corp.*, 796 N.W.2d 537, 539 (Minn. App. 2011) (quotation omitted).

To argue that the ULJ's decision is not supported by substantial evidence, Henschel appears to focus on the ULJ's credibility determinations. She asserts that "the ULJ minimized or ignored credible testimony and evidence" of the adverse conduct she alleges, and that "[r]eliance on an unsupported and inaccurate generalization" shows the ULJ's decision lacks substantial evidentiary support. Thus, we construe these arguments as a challenge to the ULJ's credibility determinations underlying its factual findings.

"Credibility determinations are the exclusive province of the ULJ and will not be disturbed on appeal." *Bangtson v. Allina Med. Grp.*, 766 N.W.2d 328, 332 (Minn. App. 2009) (quotation omitted); *see also Ywswf v. Teleplan Wireless Servs., Inc.*, 726 N.W.2d 525, 531-33 (Minn. App. 2007) (explaining that we defer to the credibility determination made by the ULJ when it is supported by substantial evidence and provides adequate reasons for the determination). "When the parties have presented conflicting evidence on the record, [we] must defer to the [ULJ's] ability to weigh the evidence; we may not weigh that evidence on review." *Whitehead v. Moonlight Nursing Care, Inc.*, 529 N.W.2d 350, 352 (Minn. App. 1995). Under Minn. Stat. § 268.105, subd. 1a(a) (2024), "[w]hen the credibility of a witness testifying in a hearing has a significant effect on the outcome of a decision, the [ULJ] must set out the reason for crediting or discrediting that testimony."

Here, the ULJ set out the reason for crediting owner's testimony and discrediting Henschel's testimony. The ULJ explicitly outlined how the factual summary was based on owner's testimony because the ULJ found his testimony credible. The ULJ found owner's testimony credible because "it was clear, detailed, and forthcoming" with a tone that was "even and calm." On the other hand, the ULJ found Henschel's testimony "not credible because she repeatedly interrupted and spoke over the [ULJ], disregarded instructions . . . disliked being corrected and was consistently defensive." Further, the ULJ found Henchel's conduct at the hearing was consistent with owner's description.

The ULJ's credibility determination is supported by substantial evidence in the record. For example, in the record, emails and text messages depict Henschel's argumentative and disruptive behavior. And documents in the record such as letters from other employees outline their observations of Henschel being disruptive and confirm that Tax Shop's environment is not hostile as Henschel claims. One letter from a coworker supports Henschel's version of events, but that letter lacks specificity and is unpersuasive against the more specific accounts which are consistent and support owner's version of events.

Because the ULJ provided adequate reasons that are supported by substantial evidence in the record, we decline to disturb the ULJ's credibility determinations and conclude that the decision is supported by substantial evidence.

## III.

Finally, Henschel argues the ULJ did not conduct a fair hearing because of ex parte communication, misrepresentation of evidence, and refusal to permit rebuttal to testimony.[8]

***Ex parte Communication***

Minnesota Rule 3310.2924 (2025) provides

> Private communication between an unemployment law judge assigned to conduct the hearing and one of the parties, in the absence of the other party, is forbidden if it relates to the substance of the matter at issue. Private communication is to be avoided even when it does not relate to the subject matter of the hearing if it would create the appearance of impropriety.

A violation of this rule undermines the public's "confidence in the impartiality and unbiased nature" of the system. *Meinzer v. Buhl 66 C & B Warehouse Distrib., Inc.*, 584 N.W.2d 5, 7 (Minn. App. 1998).

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[8] Henschel contends that these defects deprived her of due process. For support, Henschel cites *Peterson v. Nw. Airlines, Inc.*, 753 N.W.2d 771 (Minn. App. 2008), *rev. denied* (Minn. Oct. 1, 2008). But *Peterson* does not address the proposition that Henschel claims—a ULJ's failure to provide a fair opportunity to know and respond to adverse evidence. *Peterson* addressed whether the single-incident or the chemical-dependency exception applied to an airline pilot's discharge due to employee misconduct. *Id.* at 773-77. Thus, *Peterson* does not support Henschel's argument. Further, it is not conceivable that Henschel was denied receiving notice or an opportunity to be heard because she testified at a hearing in front of a ULJ and had the opportunity to present evidence and cross-examine adverse testimony. Plus, the ULJ offered her the opportunity to reschedule the hearing. Accordingly, Henschel was not denied due process.

Henschel alleges that the communication between owner and the ULJ before Henschel joined the telephone conference call constitutes improper ex parte communications. The record shows that, during that time, the ULJ connected owner to the call and before the ULJ added Henschel to the call, owner mentioned that he sent some information the week before, and the ULJ asked "is there a reason why you didn't send it in earlier?" Owner provided an explanation, and the ULJ then stated, "Okay, so I can see it. It did arrive, but it was mailed out to [Henschel]. I'm sure she doesn't have it yet. So, let me call her and see what she wants to do." The ULJ then called Henschel and immediately informed her of the communication that had occurred.

DEED argues this "brief exchange" is not impermissible because it was regarding a procedural issue, not a discussion regarding the facts or the merits of the case—the substance of the matter. On this record, we agree.

The ULJ and owner did not discuss the substance of the matter at issue, just whether evidence had been received, and no evidence suggests that this brief discussion influenced the ULJ's decision. *See Moes v. City of St. Paul*, 402 N.W.2d 520, 523 (Minn. 1987) (determining no grounds for reversal when workers' compensation judge misplaced an employee's brief and by ex parte communication requested an additional copy of the brief). Therefore, the ex parte communication did not deprive Henschel of a fair hearing.

***Misrepresentation of Evidence***

Henschel argues that she did not receive a fair hearing because the ULJ misrepresented the quantity of letters that owner submitted late and that this deprived her of making an informed decision about postponing the hearing. DEED argues that although the ULJ did not give an exhaustive list of the documents, it was not a misrepresentation and Henschel waived her right to review the evidence prior to the hearing.

The ULJ "must exercise control over the hearing procedure in a manner that protects the parties' rights to a fair hearing," "must ensure that all relevant facts are clearly and fully developed," and "must assist all parties in the presentation of evidence." Minn. R. 3310.2921 (2025); *see also White v. Univ. of Minn. Physicians Corp.*, 875 N.W.2d 351, 357 (Minn. App. 2016) (stating the ULJ has a "duty to assist" parties with the proper development of the record). That said, the ULJ is not the attorney for an unrepresented party and must "maintain neutrality to assure fairness to all parties." *Stassen v. Lone Mountain Truck Leasing, LLC*, 814 N.W.2d 25, 32 (Minn. App. 2012).

Prior to the hearing, the ULJ informed Henschel that she had the opportunity to reschedule the hearing because she did not receive some documents in a timely fashion. Henschel claims the ULJ only said that owner submitted "three or four" documents late, despite there being seven letters. But the hearing transcript does not show the exchange that Henschel claims. When the ULJ connected Henschel into the hearing, the ULJ notified Henschel of owner's late submissions and began to describe the documents. Henschel then interrupted the ULJ as the ULJ attempted to talk about the documents. Henschel then stated, "[i]t doesn't matter to me. We can proceed." The hearing transcript demonstrates that the ULJ maintained neutrality to ensure fairness to both parties while attempting to assist them with the proper development of the record. On this record, we are satisfied that the ULJ did not impermissibly misrepresent the evidence or deprive Henschel of a fair hearing.

***Rebuttal Testimony***

Finally, Henschel claims the ULJ deprived her of a fair hearing when the ULJ did not allow Henschel to rebut false statements made by owner during the hearing. DEED contends this is unconvincing because the ULJ gave Henschel the opportunity and did not act improperly by denying Henschel specific rebuttal testimony because it was immaterial to the ULJ's decision.

A hearing is generally considered fair if the parties are allowed to give statements, examine and cross-examine witnesses, and offer and object to exhibits. *See Ywswf*, 726 N.W.2d at 529-30; *see also* Minn. R. 3310.2921 (noting that the ULJ must permit rebuttal testimony and that parties have a right to make closing statements which may include comments based on the evidence).

Henschel does not direct our attention to a specific location in the record where the ULJ did not allow her to rebut some of owner's statements, but we assume it was at the conclusion of owner's testimony when the ULJ asked Henschel if she had any questions for owner. Henschel replied she did not but that she wanted to provide "a couple statements about what he said." The ULJ replied, "Okay, so I'll go back to you for rebuttal," at which point the ULJ said, "Go ahead. What would you like to say?" Henschel then provided rebuttal testimony, spanning six pages of hearing transcript. At the conclusion of this rebuttal testimony, the ULJ provided owner an opportunity to respond, but then did not allow Henschel a final opportunity to respond to owner's final statements. The ULJ then stated they were "not taking any new testimony. We're done with the rebuttals" and proceeded to closing arguments. We are not persuaded that this violates Minn. R.

3310.2921 which requires the ULJ permit rebuttal testimony but also provides that the ULJ "may limit repetitious testimony and arguments." Moreover, Henschel declined to provide a closing argument following this exchange. On this record, the ULJ did not refuse to permit rebuttal testimony. Accordingly, we conclude the ULJ did not deprive Henschel of a fair hearing.

**Affirmed.**