

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

RENEE Y FREDREGILL
Claimant

APPEAL NO. 09A-UI-03442-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

QWEST CORPORATION
Employer

**Original Claim: 01/11/09
Claimant: Appellant (1)**

Section 96.5-2-a – Discharge
Section 96.6-2 – Timely Appeal

STATEMENT OF THE CASE:

Renee Y. Fredregill filed an appeal from an unemployment insurance decision dated February 20, 2009, reference 02, that disqualified her for benefits. Due notice was issued for a telephone hearing to be held March 26, 2009. Ms. Fredregill did not respond to the notice by providing a telephone number at which she could be contacted. Under these circumstances, it was unnecessary to take testimony from the employer, Qwest Corporation.

ISSUE:

Has the claimant filed a timely appeal?

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: The decision from which the claimant has appealed states that it would become final unless an appeal was postmarked by March 2, 2009, or received by the Agency by that date. Ms. Fredregill completed an appeal form on March 2, 2009, but did not deliver it to the Agency until March 4, 2009.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that the claimant has filed a timely appeal. It does not.

Iowa Code section 96.6-2 gives a party ten days from the date of a fact-finding decision to file an appeal. The time limit in the statute is jurisdictional. See Franklin v. Iowa Department of Job Service, 277 N.W.2d 877, 881 (Iowa 1979). Appeals filed via the U.S. Postal Service are deemed to be filed as of the date of the postmark on the envelope in which the appeal is contained. Ms. Fredregill, however, filed her appeal in person on March 4, 2009. Under these circumstances, the administrative law judge concludes that the appeal was not filed within the time limits set by statute.

DECISION:

The unemployment insurance decision dated February 20, 2009, reference 02, has become final and remains in effect. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw