

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**BRANDI K GILLIAM**  
Claimant

**MADISON COUNTY MEDICAL EQUIP INC**  
Employer

**APPEAL 15A-UI-10626-EC-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 08/09/15**  
**Claimant: Appellant (1)**

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Iowa Code §96.5(1) – Voluntary Quit  
Iowa Code §96.6(2) – Timeliness of Appeal

**STATEMENT OF THE CASE:**

The claimant/appellant, Brandi Gilliam, filed an appeal from the September 2, 2015, (reference 06) unemployment insurance decision that concluded she was not eligible for unemployment insurance benefits. The appeal deadline was September 12, 2015. The appeal was postmarked on September 21, 2015. Notices of hearing were mailed to the parties' last-known addresses of record for a telephone hearing scheduled for October 6, 2015. The claimant/appellant participated in the hearing. The employer participated in the hearing through Deb Brookhart, director of operations.

**ISSUES:**

Did the appellant file a timely appeal?

**FINDINGS OF FACT:**

Iowa Workforce Development issued a decision on September 2, 2015, reference 06, finding that the claimant, Brandi Gilliam, was not eligible for unemployment insurance benefits. This decision included the appeal deadline of September 12, 2015. The decision includes this statement: "This decision becomes final unless an appeal is postmarked by 09/12/2015, or received by Iowa Workforce Appeal Section by that date."

The claimant submitted an appeal via certified mail, postmarked on September 21, 2015. This appeal was received in the IWD Appeals Section on September 23, 2015. The claimant did not present any relevant evidence to show good cause for her failure to file an appeal on or before the deadline of September 12, 2015. Her appeal was filed several days after the appeal deadline for this decision.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code §96.6(2) requires a claimant to file an appeal of an IWD decision “within ten calendar days after notification was mailed to the claimant’s last known address.” The Iowa Supreme Court determined that a timely appeal is both mandatory and jurisdictional. *Beardslee v. Iowa Dept. of Job Services*, 276 N.W.2d 373, 377 (Iowa 1979).

In the decision dated September 2, 2015, reference 06, IWD found that the claimant was ineligible for unemployment insurance benefits. This decision includes this statement: “This decision becomes final unless an appeal is postmarked by 09/12/2015, or received by Iowa Workforce Appeal Section by that date.”

The claimant’s appeal was dated September 18, 2015. The appeal was postmarked September 21, 2015. The IWD Appeals Section received this appeal on September 23, 2015. This appeal was untimely. It was not postmarked or received in the IWD Appeals Section by September 12, 2015. The claimant failed to provide appropriate relevant reasons for her untimely appeal from this decision. Because the claimant’s appeal was untimely, I do not have jurisdiction to consider whether or not she was correctly determined to be ineligible for unemployment insurance benefits.

**DECISION:**

The September 2, 2015, (reference 06) unemployment insurance decision denying benefits is affirmed, and remains in full force and effect, because the appellant’s appeal was untimely. The appeal is dismissed.

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Emily Gould Chafa  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515)478-3528

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Decision Dated and Mailed

ec/pjs