BEFORE THE EMPLOYMENT APPEAL BOARD

Lucas State Office Building Fourth floor Des Moines, Iowa 50319

:

BENJAMIN S WELCH

HEARING NUMBER: 15B-UI-11909

Claimant

.

and

EMPLOYMENT APPEAL BOARD

DECISION

FEDERAL EXPRESS CORP

Employer

NOTICE

THIS DECISION BECOMES FINAL unless (1) a request for a REHEARING is filed with the Employment Appeal Board within 20 days of the date of the Board's decision or, (2) a PETITION TO DISTRICT COURT IS FILED WITHIN 30 days of the date of the Board's decision.

A REHEARING REQUEST shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.5-2-A, 96.3-7

DECISION

UNEMPLOYMENT BENEFITS ARE DENIED

The Claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. The administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED**.

The Board explains in response to the Claimant's argument on timeliness that the "decision date" listed for the reference 04 decision of the Claims Representative is October 14, 2015, not October 13. Ten days after October 14, 2015 is Saturday, October 24, 2015. The deadline was thus extended to Monday, October 26 and the Employer's appeal was therefore timely. Iowa Code §4.1(34). We note

that the computer records at IWD often show a decision entered into the computer system earlier than the decision is actually mailed. The mailing date is the date printed on the decision as the "decision date." The 10 day deadline runs from date of mailing. 871 Iowa Admin. Code 24.9(2)(c)("ten days of the date of the mailing of the decision").

RRA/fnv