

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

PATRICK J IRELAND
Claimant

APPEAL 21R-UI-08541-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

LARRY PIDGEON
Employer

**OC: 05/31/20
Claimant: Appellant (1)**

Iowa Code § 96.3(4) – Determination of Benefits
Iowa Admin. Code r. 871-24.9(1)B – Monetary Determinations
Iowa Code § 96.4(4) – Monetary Eligibility

STATEMENT OF THE CASE:

Patrick J Ireland, the claimant/appellant filed an appeal from the June 3, 2020 monetary record (green sheet) that concluded he could not be paid on his claim because the monetary record shows no wages from the employer in the 2019 calendar year. The parties were properly notified about the hearing. A telephone hearing was held on June 8, 2021. Mr. Ireland did not provide a telephone number to the Appeals Bureau before the scheduled hearing. The employer registered for the hearing and was ready at the scheduled time. Since Mr. Ireland filed the appeal, no hearing was held.

Mr. Ireland appealed to the Employment Appeal Board (EAB). The EAB remanded (sent back) the case for a new hearing. A new hearing was scheduled for October 5, 2021. The parties were properly notified of the hearing. Mr. Ireland participated and testified. Larry Pidgeon, the employer, participated and testified. The administrative law judge took official notice of the administrative record

ISSUES:

Did Mr. Ireland file his appeal of the monetary record on time?
Is the June 3, 2020 monetary record correct?
Is Mr. Ireland monetarily eligible for benefits effective May 31, 2020?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The Unemployment Insurance Decision was mailed to Mr. Ireland at the correct address on June 3, 2020. Mr. Ireland received the decision in the mail.

Iowa Workforce Development issued an additional decision dated March 15, 2021 concluding Mr. Ireland's wages were not earned from insured work. Mr. Ireland received that decision in the mail. He filed an appeal online on March 23, 2021. The appeal was received by Iowa Workforce Development on March 23, 2021.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes Mr. Ireland's appeal of the June 3, 2020 monetary record was not filed on time.

Iowa Code § 96.6(2) provides, in pertinent part: “[u]nless the claimant or other interested party, after notification or within ten calendar days after notification was mailed to the claimant's last known address, files an appeal from the decision, the decision is final and benefits shall be paid or denied in accordance with the decision.”

Iowa Admin. Code r. 871-24.9(1)b provides:

(b) The monetary record shall constitute a final decision unless newly discovered facts which affect the validity of the original determination or a written request for reconsideration is filed by the individual within ten days of the date of the mailing of the monetary record specifying the grounds of objection to the monetary record.

Iowa Admin. Code r. 871-24.35(2) provides:

2. The submission of any payment, appeal, application, request, notice, objection, petition, report or other information or document not within the specified statutory or regulatory period shall be considered timely if it is established to the satisfaction of the division that the delay in submission was due to division error or misinformation or to delay or other action of the United States postal service.

The Iowa Supreme Court has declared that there is a mandatory duty to file appeals from representatives' decisions within the time allotted by statute, and that the administrative law judge has no authority to change the decision of a representative if a timely appeal is not filed. *Franklin v. IDJS*, 277 N.W.2d 877, 881 (Iowa 1979). Compliance with appeal notice provisions is jurisdictional unless the facts of a case show that the notice was invalid. *Beardslee v. IDJS*, 276 N.W.2d 373, 377 (Iowa 1979); see also *In re Appeal of Elliott* 319 N.W.2d 244, 247 (Iowa 1982).

Mr. Ireland received the decision in the mail before the deadline and, therefore, could have filed an appeal prior to the appeal deadline. The notice provision of the decision was valid. Mr. Ireland's delay in filing his appeal was not due to an error or misinformation from the Department or due to delay or other action of the United States Postal Service. No other good cause reason has been established for the delay in filing his appeal before the deadline. Mr. Ireland's appeal was not filed on time and the administrative law judge lacks jurisdiction (authority) to decide the other issues in this matter.

DECISION:

Mr. Ireland's appeal was not filed on time. The June 3, 2020 monetary record (green sheet) is affirmed.



Daniel Zeno
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October 7, 2021
Decision Dated and Mailed

dz/scn