

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TYRONE E JONES
Claimant

APPEAL NO. 12A-UI-06642-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

RM ENTERPRISES INC
Employer

OC: 04/29/12
Claimant: Appellant (1)

Section 96.4-3 – Eligibility for Benefits
Section 96.6-2 – Timely Appeal

STATEMENT OF THE CASE:

Tyrone E. Jones filed an appeal from an unemployment insurance decision dated May 23, 2012, reference 02, that denied benefits to him. After due notice was issued, a telephone hearing was held July 18, 2012, with Mr. Jones participating. Rhonda Coborn participated for the employer, RM Enterprises, Inc. The claimant's appeal letter was admitted into evidence as Exhibit D-1.

ISSUE:

Does the administrative law judge have jurisdiction to rule on the merits of the case?

FINDINGS OF FACT:

The decision from which Tyrone E. Jones appealed states that it would become final unless an appeal was postmarked by June 2, 2012, or received by the Agency by that date. June 2, 2012, was a Saturday. The next regular business day was June 4, 2012. Mr. Jones received the decision on June 1, 2012, and filed his appeal at the Mason City Workforce Center on June 6, 2012. He did not file an appeal sooner because he was working.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the administrative law judge has jurisdiction to rule on the merits of this case. He does not.

Iowa Code section 96.6-2 gives individuals ten days from the date of a fact-finding decision to file an appeal. Since the final day for filing an appeal fell on a Saturday, state law automatically extended the appeal period to the following regular workday, Monday, June 4, 2012. Mr. Jones received the decision but did not file his appeal until June 6, 2012. The delay in filing the appeal was not the fault of the postal service or the Agency. The administrative law judge concludes that he lacks jurisdiction to rule on the merits of the case.

DECISION:

The unemployment insurance decision dated May 23, 2012, reference 02, has become final and remains in effect. Benefits are withheld.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw