

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JUAN A MORALES**  
Claimant

**APPEAL NO. 12A-UI-08712-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**TYSON FRESH MEATS INC**  
Employer

**OC: 06/03/12**  
**Claimant: Appellant (1)**

Section 96.5-1 - Voluntary Quit  
Section 96.6-2 - Timeliness of Appeal

**STATEMENT OF THE CASE:**

The claimant, Juan Morales, appealed an unemployment insurance decision dated June 25, 2012, reference 02, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on August 14, 2012. The parties were properly notified about the hearing. Morales did not participate in the hearing. Benito Torres participated in the hearing on behalf of the employer.

**ISSUE:**

Was the appeal in this case filed timely?

**FINDINGS OF FACT:**

An unemployment insurance decision was mailed to Juan Morales' last-known address of record on June 25, 2012. The decision concluded Morales voluntarily quit employment without good cause attributable to the employer and stated the decision was final unless a written appeal was postmarked or received by the Appeals Section by July 5, 2012.

Morales received the decision within the ten-day period for appealing the decision. He filed a written appeal on July 20, 2012, which is after the time period for appealing had expired. In his appeal, he asserted he did not know how to appeal. The decision includes a phone number to call if a person has questions.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether Morales filed a timely appeal.

The law states that an unemployment insurance decision is final unless a party appeals the decision within ten days after the decision was mailed to the party's last-known address. Iowa Code § 96.6-2.

The Iowa Supreme Court has ruled that appeals from unemployment insurance decisions must be filed within the time limit set by statute and the administrative law judge has no authority to review a decision if a timely appeal is not filed. Franklin v. IDJS, 277 N.W.2d 877, 881 (Iowa 1979); Beardslee v. IDJS, 276 N.W.2d 373 (Iowa 1979). In this case, the Morales' appeal was filed after the deadline for appealing expired.

The next question is whether Morales had a reasonable opportunity to file an appeal in a timely fashion. Hendren v. IESC, 217 N.W.2d 255 (Iowa 1974); Smith v. IESC, 212 N.W.2d 471, 472 (Iowa 1973). If Morales had question about the appeals process, there was phone number on the decision for him to call for information. He had a reasonable opportunity to file a timely appeal.

The failure to file a timely appeal was not due to any Agency error or misinformation or delay or other action of the United States Postal Service, which under 871 IAC 24.35(2) would excuse the delay in filing an appeal. Since the appeal was not filed timely, there is no jurisdiction to make a decision on the merits of the appeal.

**DECISION:**

The unemployment insurance decision dated June 25, 2012, reference 02, is affirmed. The appeal in this case was not timely, and the unemployment insurance decision disqualifying the Juan Morales from receiving benefits remains in effect.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/pjs