

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JASON B LANG**

Claimant

**APPEAL NO. 12A-UI-05564-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MCGRAW-HILL INC**

Employer

**OC: 02/19/12**

**Claimant: Appellant (1)**

Section 96.5-7 – Vacation Pay  
Section 96.6-2 – Timely Appeal

**STATEMENT OF THE CASE:**

Jason B. Lang filed an appeal from an unemployment insurance decision dated March 20, 2012, reference 01, that ruled he was ineligible to receive unemployment insurance benefits for the two weeks ending March 3, 2012, upon a finding that he was entitled to receive vacation pay for those two weeks. After due notice was issued, a telephone hearing was held June 6, 2012, with Mr. Lang participating. Exhibit D-1 was admitted into evidence. This matter is considered on a consolidated record with 12A-UI-05565-AT and 12A-UI-05566-AT.

**ISSUE:**

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

**FINDINGS OF FACT:**

The decision from which Jason B. Lang has appealed states that it would become final unless an appeal was postmarked by March 30, 2012, or received by the Agency by that date. Mr. Lang received the decision. He filled out an appeal form, dating it May 7, 2012. It was filed with the Agency by mail and the envelope received a postmark of May 10, 2012.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.6-2 gives parties ten days from the date of a fact-finding decision to file an appeal. The Iowa Supreme Court has ruled that the time limit is jurisdictional. See Franklin v. Iowa Department of Job Service, 277 N.W.2d 877, 881 (Iowa 1979). In the absence of a timely appeal, the administrative law judge has no authority to change a fact-finding decision, even if he disagrees with it.

The evidence in this record establishes that Mr. Lang's appeal was not filed within the time limit set by statute, although he had the opportunity to do so. Under these circumstances, the administrative law judge lacks jurisdiction to rule on the merits of the case.

**DECISION:**

The unemployment insurance decision dated March 20, 2012, reference 01, has become final and remains in effect. Benefits are withheld for the two weeks ending March 3, 2012.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

kjw/kjw