

BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building
Fourth floor
Des Moines, Iowa 50319

ALEXIS N MARTIN

Claimant

and

CARE INITIATIVES

Employer

HEARING NUMBER: 18BUI-03843

EMPLOYMENT APPEAL BOARD
DECISION

N O T I C E

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, 96.6-2

D E C I S I O N

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 Employment Appeal Board would comment that while we sympathize with the Claimant's circumstances at that time (passing of her grandfather), we are unable to bypass the specific requirements of the administrative rule, i.e. "...the submission of any ...appeal...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.*" (Emphasis added.) See, 871 IAC 24.35(2). We note the Claimant received the administrative law judge's decision one day prior to its due date. Even considering the short time frame she had to file her appeal (due to the post office

holding her mail), the Claimant still did not file her appeal until ten days beyond the statutory deadline. Unfortunately, based on the facts of this matter, the Claimant's appeal does not come under either one of these exceptions. For this reason, we have no jurisdiction to consider this appeal.

Kim D. Schmett

Ashley R. Koopmans

James M. Strohman

AMG/fnv