

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DAREN JAMIESON
Claimant

APPEAL NO. 12A-UI-03575-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/04/12
Claimant: Appellant (1)

871 IAC 24.2(1) – Backdating Claims
Section 96.6-2 – Timely Appeal

STATEMENT OF THE CASE:

Daren Jamieson filed an appeal from an unemployment insurance decision dated March 20, 2012, reference 01, that denied his request to backdate his claim prior to March 4, 2012. After due notice was issued, a telephone hearing was held April 24, 2012 with Mr. Jamieson participating. Exhibit D-1 was admitted into evidence.

ISSUE:

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

FINDINGS OF FACT:

The fact-finding decision from which Daren Jamieson 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. Jamieson received the decision. He filed an appeal by mail. The envelope received a postmark of April 2, 2012.

REASONING AND CONCLUSIONS OF LAW:

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

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 in the statute 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, an administrative law judge cannot change a fact-finding decision even if he or she disagrees with it.

The evidence in the record establishes that Mr. Jamieson did not file a timely appeal although he had the opportunity to do so. Under these circumstances, the administrative law judge has no authority to consider the merits of the case.

DECISION:

The unemployment insurance decision dated March 20, 2012, reference 01, has become final and remains in effect. The claimant's request to backdate his claim is denied.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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