

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JENNIFER J LAMPE**  
Claimant

**APPEAL NO. 17A-UI-05210-TN-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**THE UNIVERSITY OF IOWA**  
Employer

**OC: 04/16/17**  
**Claimant: Appellant (1)**

Section 96.6(2) – Timeliness

**STATEMENT OF THE CASE:**

The claimant, Jennifer Lampe, filed an appeal from a representative's decision dated May 5, 2017, reference 01, which denied unemployment insurance benefits finding that she voluntarily quit work on April 6, 2017 without a good cause attributable to the employer. After due notice was issued, a hearing was held by telephone on June 2, 2017. Claimant participated. The Employer participated by Ms. Mary Eggenburg, Benefits Specialist.

**ISSUE:**

At issue in this matter is whether the claimant filed a timely appeal as required by law.

**FINDINGS OF FACT:**

The administrative law judge, having considered all of the evidence in the record, finds that: A disqualifying decision was mailed to the claimant's address of record on May 5, 2017. She received it within ten days. The decision contains a warning that any appeal must be postmarked or received in the Appeals Bureau within ten days. The claimant filed her appeal online, on May 17, 2017, more than ten days after the date the disqualification decision was issued.

Ms. Lampe read the decision and went through it but did not read the decision in its entirety and did not read the portion of the determination stating that it would become final unless an appeal was postmarked or received in the Appeals Bureau by May 15, 2017. Later, when informed by the Agency representative of the possibility of filing an appeal, Ms. Lampe filed an appeal online on May 17, 2017.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code § 96.6-2 provides in pertinent part:

The representative shall promptly examine the claim and any protest, take the initiative to ascertain relevant information concerning the claim, and, on the basis of the facts found by the representative, shall determine whether or not the claim is valid, the week

with respect to which benefits shall commence, the weekly benefit amount payable and its maximum duration, and whether any disqualification shall be imposed. . . . Unless the claimant or other interested party, after notification or within ten calendar days after notification was mailed to the claimant's last known address, files an appeal from the decision, the decision is final and benefits shall be paid or denied in accordance with the decision.

This Iowa Code section dealing with timeliness of an appeal from a representative's decision states that an appeal must be filed within ten days after that decision was mailed. The Iowa Supreme Court held that this statute prescribing the time for an appeal clearly limits the time to do so, and that compliance with the appeal notice provision is mandatory and jurisdictional. *Beardslee v. IDJS*, 276 N.W.2d 373 (Iowa 1979).

The administrative law judge considers the reasoning and holding of that court to be controlling. The claimant has not shown any good cause for not complying with the jurisdictional time limit. Therefore, the administrative law judge is without jurisdiction to entertain the merits of the appeal.

The administrative law judge concludes the claimant failed to file an appeal within the time period prescribed by the Iowa Employment Security Law, and the delay was not due to any Agency error or misinformation or delay or other action of the United States Postal Service pursuant to 871 IAC 24.35(2). The administrative law judge further concludes that the claimant failed to file a timely appeal pursuant to Iowa Code section 96.6-2, and the administrative law judge lacks jurisdiction to make a determination with respect to the nature of the claimant's termination of employment. See *Beardslee v. IDJS*, 276 N.W.2d 373 (Iowa 1979); *Franklin v. IDJS*, 277 N.W.2d 877 (Iowa 1979) and *Pepsi-Cola Bottling Company v. Employment Appeal Board*, 465 N.W.2d 674 (Iowa App. 1990).

**DECISION:**

The decision of the representative dated May 5, 2017, reference 01, is affirmed. The claimant failed to file a timely appeal, and the decision of the representative shall stand and remain in full force and effect. Benefits are denied.

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Terry P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

scn/scn