

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KOMLANVI KOFFI
Claimant

APPEAL NO. 10A-UI-16224-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 05/17/09
Claimant: Appellant (1)

Public Law 110-252 – Emergency Unemployment Compensation
Section 96.6-2 – Timely Appeal

STATEMENT OF THE CASE:

Komlanvi Koffi filed an appeal from an unemployment insurance decision dated November 13, 2009, reference 02, that ruled he was ineligible for emergency unemployment compensation through Iowa effective August 16, 2009, because he was monetarily eligible for state unemployment insurance benefits in Illinois as of that date. After due notice was issued, a telephone hearing was held January 15, 2011, with Mr. Koffi participating. Exhibit D-1 was admitted into evidence. This matter is considered on a consolidated record with 10A-UI-16225-AT.

ISSUE:

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

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: The decision from which Komlanvi Koffi has appealed states that it would become final unless an appeal was postmarked by November 23, 2009, or received by the Unemployment Insurance Appeals Section by that date. Mr. Koffi filed his appeal on November 24, 2010. When he had received the decision in 2009, he did not contact Illinois to confirm whether he was eligible for state unemployment insurance benefits there.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code section 96.6-2 gives an individual ten days from the date of a fact-finding decision to file an appeal. The Supreme Court of Iowa 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, the administrative law judge has no jurisdiction to change a fact-finding decision, even if he disagrees with it.

The evidence in this record shows that the claimant waited for over a year before filing an appeal from the decision denying benefits to him. No legally sufficient reason for the delay exists in this record. The administrative law judge concludes that he has no jurisdiction to address the merits of the case.

DECISION:

The unemployment insurance decision dated November 13, 2009, reference 02, has become final and remains in effect. The claimant is ineligible for emergency unemployment compensation effective August 16, 2009, because he was monetarily eligible for state unemployment insurance benefits in Illinois as of that date.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw