

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

MARIA G LLERA
400 E MARSHALL ST
TOLEDO IA 52342

SAC AND FOX TRIBE
MESKWAKI BINGO CASINO AND HOTEL
1504 – 305TH ST
TAMA IA 52339-9697

Appeal Number: 05A-UI-11416-AT
OC: 10-02-05 R: 02
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.6-2 – Timely Appeal

STATEMENT OF THE CASE:

Maria G. Llera filed an appeal from an unemployment insurance decision dated October 24, 2005, reference 01, which disqualified her for benefits. After due notice was issued, a telephone hearing was held November 23, 2005 with Ms. Llera participating. Marti Jefferson and John Papakee participated for the employer, Meskwaki Bingo, Casino and Hotel. Exhibit D-1, the claimant's appeal letter, was admitted into the record.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: The decision from which Maria G. Llera has

appealed states that it would become final unless the appeal was postmarked by November 3, 2005 or received by the Agency by that date. Ms. Llera filed her appeal on November 7, 2005.

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 a party ten days from the date of a fact-finding decision to file an appeal. Instructions on fact-finding decisions state that they may be filed by mail or by other means. Ms. Llera waited to file the appeal in person. In doing so, she delayed until after the end of the statutory period. The administrative law judge concludes that he does not have jurisdiction to rule on the merits of the case.

DECISION:

The unemployment insurance decision dated October 24, 2005, reference 01, has become final. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

kkf/kjw