

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ROSCOE L PERRY**  
Claimant

**APPEAL NO. 11A-UI-15242-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AVENTURE STAFFING & PROFESSIONAL  
SERVICES**  
Employer

**OC: 07/03/11**  
**Claimant: Appellant (1)**

Section 96.5-1 – Voluntary Quit  
Section 96.6-2 – Timely Appeal

**STATEMENT OF THE CASE:**

The claimant filed an appeal from an unemployment insurance decision dated September 28, 2011, reference 02, that disqualified him for benefits. Due notice was issued for a telephone hearing to be held December 28, 2011. Although the appellant provided a telephone number at which he could be contacted, that number was answered by a recording. The administrative law judge left a message for the claimant to call the Appeals Bureau if he wished to participate. There was no further contact. Under these circumstances, it was not necessary to take testimony from the employer, Aventure Staffing and Professional Services. This decision is based on information in the claimant's appeal letter.

**ISSUE:**

Did the claimant file a timely appeal?

**FINDINGS OF FACT:**

The decision from which Roscoe L. Perry has appealed states that it would become final unless an appeal was postmarked by October 8, 2011 or received by the Agency by that date. He filed his appeal on November 28, 2011. The appeal letter does not explain the reason for the delay.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.6-2 gives an individual ten days from the date of a fact-finding decision to file an appeal. If no appeal is filed within that time, the administrative law judge has no jurisdiction to rule on the merits of a case. See Franklin v. Iowa Department of Job Service, 277 N.W.2d 877, 881 (Iowa 1979). The evidence in this record establishes that the appeal was filed after the end of the statutory period. The administrative law judge concludes that he lacks jurisdiction to rule on the merits of the case.

**DECISION:**

The unemployment insurance decision dated September 28, 2011, reference 02, has become final and remains in effect. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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