

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TOMMY E GODWIN**  
Claimant

**APPEAL NO. 12A-EUCU-00031-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 12/26/10  
Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

Tommy E. Godwin filed an appeal from a fact-finding decision dated January 4, 2012, reference 01, that ruled he was ineligible for emergency unemployment compensation based on his December 26, 2010 Iowa claim, because he was monetarily eligible for regular unemployment insurance benefits through Washington effective June 26, 2011. After due notice was issued, a telephone hearing was held February 21, 2012, with Mr. Godwin participating. Exhibit D-1 was admitted into evidence. This matter is considered on a consolidated record with 12A-EUCU-00032-AT.

**ISSUE:**

Has the claimant filed a timely appeal?

**FINDINGS OF FACT:**

The decision from which Tommy E. Godwin has appealed states that it would become final unless an appeal was postmarked by January 14, 2012, or received by the Agency by that date. Mr. Godwin received the decision, but did not file an appeal until January 23, 2012. He contacted the State of Washington and found that he is monetarily eligible for benefits through that state.

**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 individuals 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 cannot change a fact-finding decision, even if he disagrees with it.

The evidence in the record establishes that Mr. Godwin did not file an appeal within ten days after January 4, 2012. Because of this, the administrative law judge does not have jurisdiction to rule on the merits of the case. However, the claimant's testimony indicates that he is indeed monetarily eligible for state unemployment insurance benefits through the State of Washington. Because of that, he would not be eligible to receive emergency unemployment compensation through Iowa. See Public Law 110-252.

**DECISION:**

The unemployment insurance decision dated January 4, 2012, reference 01, has become final and remains in effect. The claimant is not eligible for emergency unemployment compensation through Iowa, effective June 26, 2011, because he is monetarily eligible for state unemployment insurance benefits through Washington as of that date.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

kjw/kjw