

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**SUSAN R GREEN**  
Claimant

**APPEAL NO. 11A-UI-01013-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CASEY'S MARKETING COMPANY  
CASEY'S GENERAL STORES**  
Employer

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

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

**STATEMENT OF THE CASE:**

Susan R. Green filed an appeal from an unemployment insurance decision dated December 9, 2010, reference 01, that disqualified her for benefits. Due notice was issued for a telephone hearing to be held February 22, 2011. Ms. Green did not provide a telephone number at which she could be contacted. Under the circumstances, it was unnecessary to take testimony from the employer's witness. This decision is based on information in the claimant's appeal letter, made part of this record as Exhibit D-1.

**ISSUE:**

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

**FINDINGS OF FACT:**

Having examined all matters of record, the administrative law judge finds: The decision from which the claimant has appealed states that it would become final unless an appeal was postmarked by December 19, 2010, or received by the agency by that date. Since December 19, 2010 was a Sunday, state law automatically extended the appeal period to Monday, December 20, 2010. The claimant filed her appeal on January 20, 2011.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code § 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 has no authority to change an earlier fact-finding decision. The evidence in this record establishes the claimant could have but did not file an appeal within the time limit set by statute. The administrative law judge concludes he has no authority to review the merits of this case.

**DECISION:**

The unemployment insurance decision dated December 9, 2010, reference 01, 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 her weekly benefit amount, provided she is otherwise eligible.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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