

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AMANDA M BAKER
Claimant

APPEAL NO. 12A-UI-13010-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

INTERSTATE POWER & LIGHT COMPANY
ATTN: HR COMPLIANCE
Employer

OC: 09/30/12
Claimant: Appellant (1)

Section 96.5-2-a – Discharge
Section 96.6-2 – Timely Appeal

STATEMENT OF THE CASE:

Amanda M. Baker filed an appeal from an unemployment insurance decision dated October 18, 2012, reference 01, that disqualified her for benefits. After due notice was issued, a telephone hearing was held November 20, 2012 with Ms. Baker participating. Brian Fagan, Attorney at Law, appeared on behalf of the employer, Interstate Power & Light Company. Angela Dock, Brenda Ortman, and Erin Lawson were present to testify. Exhibit D-1 was admitted into evidence.

ISSUE:

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

FINDINGS OF FACT:

The decision on appeal in the present case states that it would become final unless an appeal was postmarked by October 28, 2012 or received by the agency by that date. The decision also stated that if the final day for filing the appeal fell on a Saturday, Sunday or legal holiday, the appeal period would be extended to the next regular working day. Amanda M. Baker filed her appeal by fax on Tuesday, October 30, 2012.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.6-2 gives parties ten days from the date of a fact-finding decision to file an appeal. Elsewhere, Iowa state law provides that if the final day for submitting any document to the state falls on a Saturday, Sunday or legal holiday, the document is considered timely if filed on the next regular work day. In the present case, an appeal submitted to the agency on Monday, October 29, 2012 would have been considered timely. Since the appeal was filed on October 30, 2012, the administrative law judge has no jurisdiction to rule on the merits of the case.

DECISION:

The unemployment insurance decision dated October 18, 2012, 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.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs