

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MICHELLE M GEERDES**  
Claimant

**APPEAL NO. 09A-UI-10794-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ALS CORNER OIL CO**  
Employer

**Original Claim: 06/14/09  
Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

Michelle M Geerdes filed an appeal from an unemployment insurance decision dated July 13, 2009, reference 01, that ruled she had left employment voluntarily without good cause attributable to the employer. Due notice was issued for a telephone hearing to be held August 12, 2009. Neither the claimant nor the employer, Al's Corner Oil Company, responded to the notice. This decision is based on information in the claimant's appeal letter.

**ISSUE:**

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

**FINDINGS OF FACT:**

The decision from which the claimant has appealed states that it would become final unless an appeal was postmarked by July 23, 2009, or received by the Agency by that date. The claimant filed her appeal by fax on July 28, 2009. The appeal does not state that the claimant had just received the decision.

**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 parties 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 jurisdiction to rule on the merits of a case.

The evidence in this record persuades the administrative law judge that the claimant has not filed a timely appeal. There is no evidence in the record establishing a justification for the

untimely appeal. The administrative law judge concludes that he has no jurisdiction to review the merits of the case.

**DECISION:**

The unemployment insurance decision dated July 13, 2009, reference 01, has become final and remains in effect. The claimant's separation from part-time employment was without good cause attributable to the employer. The claimant remains entitled to receive unemployment insurance benefits based on other base-period wages, provided she is otherwise eligible. No benefits shall be charged to the account of this employer.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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