

**IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TIRRELL D RENNIE
Claimant

NORTH IOWA JUVENILE DETENTION SVC
Employer

APPEAL NO. 25A-UI-00997-JT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/05/20
Claimant: Appellant (1)

Iowa Code Section 96.6(2) – Timeliness of Appeal
Iowa Code Section 96.5(1) – Voluntary Quit

STATEMENT OF THE CASE:

On February 5, 2025, Tirrell Rennie (claimant) filed a late appeal from the January 4, 2021 (reference 01) decision that disqualified him for benefits and that held the employer's account would not be charged for benefits, based on the deputy's conclusion the claimant voluntarily quit on February 15, 2020 without good cause attributable to the employer. The claimant requested an in-person hearing. After due notice was issued, a hearing was held on February 27, 2025 at the Waterloo IowaWORKS Center. Claimant participated. The employer did not appear for and did not participate in the appeal hearing. There were five appeal numbers set for a consolidated hearing: 25AUI00997JT, 25AUI00998JT, 25AUI00999JT, 25AUI01000JT and 25AUI01001JT. Exhibits A, B and C were received into evidence. The administrative law judge took official notice of the reference 01, 05, 06, 07, and 08 decisions. The administrative law judge took official notice of the following IWD computer records and labeled the packet as Department Exhibit D1: DBIN, KPYX, KFFV, KCCO, NMRO, KLOG. The administrative law judge took official notice of and labeled as Department Exhibit D-2 the Overpayment Statements mailed on February 15, 2024, March 13, 2024, April 16, 2024, May 17, 2024, June 12, 2024, July 18, 2024, August 8, 2024, October 18, 2024, November 27, 2024, December 17, 2024, and January 15, 2025. The administrative law judge took official notice of the Iowa Judicial Branch Clerk of Court record pertaining to the claimant for the period beginning January 4, 2021, which records are available at www.iowacourts.gov.

ISSUE:

Whether the appeal was timely. Whether there is good cause to treat the appeal as timely.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Tirrell Rennie (claimant) established an original claim for unemployment insurance benefits that was effective April 5, 2020. The claimant received benefits totaling \$16,986.44 as follows:

\$2,505.44 in regular state benefits for 11 weeks between April 5, 2020 and June 20, 2020,
\$3,081.00 in Pandemic Emergency Unemployment Compensation (PEUC) for 13 weeks
ending September 19, 2020,
\$9,600.00 in Federal Pandemic Unemployment Compensation (FPUC) benefits for 16
weeks between April 5, 2020 and July 25, 2020,
\$1,800.00 in Lost Wage Assistance Payments (LWAP) for six weeks ending
September 5, 2020

On January 4, 2021, Iowa Workforce Development mailed two decisions (reference 01 and 05) to claimant Tirrell Rennie at his Waterloo, Iowa address of record. The reference 01 decision disqualified the claimant for benefits, and ruled that the employer account of North Iowa Juvenile Detention Service would not be charged for benefits. The reference 01 decision indicated that it was based on the deputy's conclusion the claimant voluntarily quit on February 15, 2020 without good cause attributable to the employer. The reference 05 decision held that the claimant was overpaid \$2,505.44 in regular state benefits for 11 weeks between April 5, 2020 and June 20, 2020, due to an earlier decision that disqualified the claimant for benefits. That earlier decision in question was reference 01 decision. The reference 04 decision gave the date of the earlier decision as December 31, 2020, which was the date that IWD entered the reference 01 decision into its computer system. The reference 04 decision erroneously stated the earlier disqualification decision had been about whether the claimant was able to work and available, though the reference 01 decision had been about the claimant's separation from employment. The reference 01 and 05 decisions each stated that the decision would become final unless an appeal was postmarked or received by January 14, 2021. Both decisions included clear and concise instructions for filing an appeal online, by fax, by email and by regular mail. The claimant received the reference 01 and 05 decisions in a timely manner, prior to the deadline for appeal. The claimant did not take steps to file an appeal from either decision by the January 14, 2021 deadline or at any time prior to February 5, 2025.

During the week of August 22, 2021, the claimant attempted to establish a new original claim for unemployment insurance benefits.

On October 14, 2021, IWD mailed three decisions (reference 06, 07 and 08) to the claimant's Waterloo last-known address of record. The reference 06 decision held the claimant was overpaid \$3,081.00 in Pandemic Emergency Unemployment Compensation (PEUC) for 13 weeks ending September 19, 2020, due to the earlier decision that denied benefits. The earlier decision in question was the reference 01 decision. The reference 07 decision held that the claimant was overpaid \$9,600.00 in Federal Pandemic Unemployment Compensation (FPUC) benefits for 16 weeks between April 5, 2020 and July 25, 2020, based on the reference 01 disqualification decision. The reference 08 decision held that the claimant was overpaid \$1,800.00 in Lost Wage Assistance Payments (LWAP) for six weeks ending September 5, 2020, due to the reference 01 disqualification decision. The reference 06, 07 and 08 decisions each stated that the decision would become final unless an appeal was postmarked or received by October 25, 2021. Each decision included clear and concise instructions for filing an appeal online, by email, by fax and by mail. The weight of the evidence indicates the claimant received the reference 06, 07 and 08 decisions in a timely manner, prior to the deadline for appeal. The claimant did not file an appeal by October 25, 2021 or at any point prior to February 5, 2025.

On November 17, 2021, the claimant was arrested in Black Hawk County. The claimant held for bond and posted bond on November 19, 2021. On December 22, 2021, the claimant entered a guilty plea to Harassment in the 1st Degree, was convicted on the charge, and received a two year suspended prison sentence. See Black Hawk County Criminal Case Number AGCR 243113 at www.iowacourts.state.ia.us.

On January 31, 2022, the Black Hawk County Attorney initiated probation revocation proceedings. The claimant was from that time held in custody until May 18, 2022, when he was transported to the Prairie Ridge treatment facility at 320 N. Eisenhower Avenue, Mason City, IA 50401. See Black Hawk County Criminal Case Number AGCR 243113 at www.iowacourts.state.ia.us.

On May 23, 2022, the claimant or the claimant's mother provided IWD the Prairie Ridge address as his updated address of record in connection with requesting a duplicate 1099-G tax form.

On June 2, 2022, the claimant or the claimant's mother provided IWD an updated address in North Lauderdale, Florida in connection with requesting a duplicate 1099-G tax form. The North Lauderdale address was the claimant's mother's address. The claimant has at all relevant times maintained contact with his mother.

On June 6, 2022, the claimant absconded from Prairie Ridge and a warrant was issued for the claimant's arrest. See Black Hawk County Criminal Case Number AGCR 243113. The claimant had additional parallel criminal convictions that factored in the periods of incarceration. See Iowa Courts Online, www.iowacourts.state.ia.us.

When the claimant absconded in June 2022, the claimant traveled to Georgia. In March 2023, the claimant was arrested, transported to Iowa, and held for probation revocation proceedings. On April 11, 2023, the claimant's probation was revoked and the claimant was sentenced to a period of incarceration not to exceed two years. The claimant was thereafter incarcerated in Anamosa State Penitentiary, where he remained until he was granted work release in June or July 2024 and commenced residing at a half-way house in Waterloo. In October 2024, the claimant commenced residing at his current address on Sunnyside Avenue in Waterloo.

On February 15, 2024, March 13, 2024, April 16, 2024, May 17, 2024, June 12, 2024, July 18, 2024, August 8, 2024, October 18, 2024, November 27, 2024, December 17, 2024, and January 15, 2025, IWD Collections mailed Overpayment Statements to the claimant's updated address of record in North Lauderdale, Florida. The updated address of record is the claimant's mother's house. The claimant has at all relevant times had a close emotional relationship with his mother. Each Overpayment Statement referenced a \$16,986.44 overpayment balance. The claimant's mother electronically forwarded the January 15, 2025 Overpayment Statement to the claimant. In January 2025, the claimant's mother forwarded the January 2025 Overpayment Statement to the claimant. The claimant thereafter became concerned that the State of Iowa was about to garnish his wages to recover overpaid benefits. On or about February 4, 2025, the claimant contacted IWD in an attempt to avoid having his wages garnished and to belatedly enter into a payment agreement.

On February 5, 2025, the claimant completed and transmitted an online appeal. The claimant did not identify the reference number or numbers of the decision(s) he was appealing. The Appeals Bureau received the appeal on February 5, 2025 and treated as a late appeal from the reference 01, 05, 06, 07, and 08 decisions.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.6(2) in relevant part as provides:

2. Initial determination. A representative designated by the director shall promptly notify all interested parties to the claim of its filing, and the parties have ten days from the date

of mailing the notice of the filing of the claim by ordinary mail to the last known address to protest payment of benefits to the claimant. ... Unless the claimant or other interested party, after notification or within ten calendar days after notification was mailed to the claimant's last known address, files an appeal from the decision, the decision is final and benefits shall be paid or denied in accordance with the decision. ...

The ten-day deadline for appeal begins to run on the date Workforce Development mails the decision to the parties. The "decision date" found in the upper right-hand portion of the Agency representative's decision, unless otherwise corrected immediately below that entry, is presumptive evidence of the date of mailing. *Gaskins v. Unempl. Comp. Bd. of Rev.*, 429 A.2d 138 (Pa. Comm. 1981); *Johnson v. Board of Adjustment*, 239 N.W.2d 873, 92 A.L.R.3d 304 (Iowa 1976).

An appeal submitted by mail is deemed filed on the date it is mailed as shown by the postmark or in the absence of a postmark the postage meter mark of the envelope in which it was received, or if not postmarked or postage meter marked or if the mark is illegible, on the date entered on the document as the date of completion. See Iowa Administrative Code rule 87124.27(1)(a). See also *Messina v. IDJS*, 341 N.W.2d 52 (Iowa 1983). An appeal submitted by any other means is deemed filed on the date it is received by the Unemployment Insurance Division of Iowa Workforce Development. See Iowa Administrative Code rule 87124.27(1)(c).

The evidence in the record establishes that more than ten calendar days elapsed between the mailing date and the date this appeal was filed. The Iowa Supreme Court has declared that there is a mandatory duty to file appeals from representatives' decisions within the time allotted by statute, and that the administrative law judge has no authority to change the decision of a representative if a timely appeal is not filed. *Franklin v. IDJS*, 277 N.W.2d 877, 881 (Iowa 1979). Compliance with appeal notice provisions is jurisdictional unless the facts of a case show that the notice was invalid. *Beardslee v. IDJS*, 276 N.W.2d 373, 377 (Iowa 1979); see also *In re Appeal of Elliott*, 319 N.W.2d 244, 247 (Iowa 1982). One question in this case thus becomes whether the appellant was deprived of a reasonable opportunity to assert an appeal in a timely fashion. *Hendren v. IESC*, 217 N.W.2d 255 (Iowa 1974); *Smith v. IESC*, 212 N.W.2d 471, 472 (Iowa 1973).

No submission shall be considered timely if the delay in filing was unreasonable, as determined by the division after considering the circumstances in the case. See Iowa Administrative Code rule 87124.27(2)(c).

The evidence in the record establishes an untimely appeal from the January 4, 2021 (reference 01) decision. The evidence establishes that the claimant received the decision in a timely manner, had a reasonable opportunity to file an appeal by the appeal deadline, but unreasonably delayed filing the appeal to February 5, 2025. The late filing of the appeal was not attributable to the Iowa Workforce Development error or misinformation or delay or other action of the United States Postal Service. There is not good cause to treat the late appeal as a timely appeal. See Iowa Administrative Code rule 87124.27(2). Because the appeal was untimely, the administrative law judge lacks jurisdiction to disturb the decision from which the appellant appeals in the present matter. See *Beardslee v. IDJS*, 276 N.W.2d 373 (Iowa 1979) and *Franklin v. IDJS*, 277 N.W.2d 877 (Iowa 1979).

DECISION:

The claimant's appeal from the January 4, 2021 (reference 01) decision was untimely. The decision that disqualified the claimant for benefits and that held the employer's account would not be charged for benefits, based on the February 15, 2020 separation remains in effect.

A handwritten signature in cursive script that reads "James E. Timberland". The signature is written in dark ink on a light gray rectangular background.

James E. Timberland
Administrative Law Judge

March 7, 2025
Decision Dated and Mailed

r/s

APPEAL RIGHTS. If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Employment Appeal Board
6200 Park Ave Suite 100
Des Moines, Iowa 50321
Fax: (515)281-7191
Online: eab.iowa.gov**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

AN APPEAL TO THE BOARD SHALL STATE CLEARLY:

- 1) The name, address, and social security number of the claimant.
- 2) A reference to the decision from which the appeal is taken.
- 3) That an appeal from such decision is being made and such appeal is signed.
- 4) The grounds upon which such appeal is based.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf>.

Note to Parties: YOU MAY REPRESENT yourself in the appeal or obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds.

Note to Claimant: It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.

DERECHOS DE APELACIÓN. Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Employment Appeal Board
6200 Park Ave Suite 100
Des Moines, Iowa 50321
Fax: (515)281-7191
En línea: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que está en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf>.

Nota para las partes: USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

Nota para el reclamante: es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

SERVICIO DE INFORMACIÓN:

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.