

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOHN T TILLEY
Claimant

APPEAL NO. 11A-UI-05249-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PER MAR SECURITY & RESEARCH CORP
PER MAR SECURITY SERVICES
Employer

OC: 05/09/10
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

John T. Tilley filed an appeal from an unemployment insurance decision dated April 8, 2011, reference 03, that denied unemployment insurance benefits to him. Due notice was issued for a telephone hearing to be held May 16, 2011. Mr. Tilley did not provide a telephone number at which he could be contacted. Under these circumstances, it was unnecessary to take testimony from the employer. This decision is based on information in the claimant's appeal letter.

ISSUE:

Has the claimant filed a timely appeal?

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: The decision from which John T. Tilley has appealed states that it would become final unless an appeal was postmarked by April 18, 2011 or received by the Agency by that date. The appeal was filed on April 19, 2011. The claimant did not offer any mitigating circumstances.

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 to file an appeal from a fact-finding decision. 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 a fact-finding decision even if he disagrees with it.

The evidence in this record establishes that the claimant did not file a timely appeal. The fact-finding decision disqualifying him for benefits has become final. Benefits are withheld.

DECISION:

The unemployment insurance decision dated April 8, 2011, reference 03, has become final and remains in effect. The claimant is disqualified for benefits until he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. .

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

css/css