

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KENDRA CROSS**

Claimant

**APPEAL NO. 12A-UI-05893-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MCGRAW-HILL INC**

Employer

**OC: 02/05/12**

**Claimant: Appellant (1)**

Section 96.5-5 – Severance Pay

Section 96.6-2 – Timely Appeal

**STATEMENT OF THE CASE:**

Kendra Cross filed an appeal from an unemployment insurance decision dated March 20, 2012, reference 01, that ruled she was ineligible to receive unemployment insurance benefits for the 18 weeks ending June 9, 2012 upon a finding she was entitled to receive severance pay for those weeks. After due notice was issued, a telephone hearing was held June 14, 2012 with Ms. Cross participating. Exhibits One and Two were admitted into evidence. Her former employer, McGraw-Hill, Inc. did not participate. This matter is considered on a consolidated record with 12A-UI-05894-AT.

**ISSUE:**

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

**FINDINGS OF FACT:**

The fact-finding decision from which the claimant has appealed states that it would become final unless an appeal was postmarked by March 30, 2012 or received by the agency by that date. The claimant received the decision. She filed an appeal on May 19, 2012.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.6-2 gives parties only 10 days from the date of a fact-finding decision to file an appeal. The time limit is extended to the next working day if the final day for appeal falls on a Saturday, Sunday or legal holiday. The Supreme Court of Iowa has ruled that the time limit 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 cannot change a fact-finding decision even if he disagrees with it.

The evidence in the record establishes that the claimant did not file a timely appeal although she could have done so. The administrative law judge lacks jurisdiction to rule on the merits of the case.

**DECISION:**

The unemployment insurance decision dated March 20, 2012, reference 01, has become final. The claimant is ineligible for unemployment insurance benefits for the 18 weeks ending June 9, 2012.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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