

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KEVIN J WEST
Claimant

APPEAL NO. 10A-UI-14561-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 01/24/10
Claimant: Appellant (1)

Public Law 110-252 – Emergency Unemployment Compensation
Section 96.6-2 – Timely Appeal

STATEMENT OF THE CASE:

Kevin J. West filed an appeal from an unemployment insurance decision dated October 6, 2010, reference 08, that held he was ineligible for emergency unemployment compensation effective January 24, 2010, upon a finding that he was monetarily eligible for state unemployment insurance benefits as of that date. Due notice was issued for a telephone hearing to be held November 27, 2010. Mr. West did not provide a telephone number at which he could be contacted.

ISSUE:

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

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: The decision from which the claimant has appealed states that it would become final unless an appeal was postmarked by October 16, 2010, or received by the Agency by that date. The claimant filed his appeal in a workforce development center on October 22, 2010.

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 an individual 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 authority to rule on the merits of a case.

The evidence in this record establishes that the claimant did not file an appeal within the time limit set by statute.

DECISION:

The unemployment insurance decision dated October 6, 2010, reference 08, remains in effect. The claimant is ineligible for emergency unemployment compensation effective January 24, 2010.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/