

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**PAM J MUMFORD**  
Claimant

**APPEAL NO. 17A-UI-00772-ECT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 11/20/16  
Claimant: Appellant (6)**

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Iowa Admin. Code r. 871-24.2(1)(e) – Reporting Requirements  
Iowa Admin Code r. 871-24.6 - Reemployment Services  
Iowa Code § 96.6(2) – Timeliness of Appeal  
Iowa Admin. Code r. 871-26.4(2) – Basis for Appeal

**STATEMENT OF THE CASE:**

This matter was erroneously set up as an appeal from the decision issued on January 5, 2017, reference 04, denying benefits due to a failure to report for a reemployment and eligibility assessment on 01/04/17. The claimant filed an appeal from another unemployment insurance decision. The appeal was filed on January 19, 2017.

**ISSUE:**

Was this matter erroneously set up as an appeal from the reemployment services decision?

Was the appeal untimely?

**FINDINGS OF FACT:**

The evidence available in the administrative file shows that the claimant filed an appeal from an unemployment insurance decision relating to her failure to report job searches when filing her weekly claim. That appeal was scheduled for a hearing and an ALJ's decision was issued on February 10, 2017.

The appeals were filed on January 19, 2017. The deadline to appeal this decision was January 15, 2017.

**REASONING AND CONCLUSIONS OF LAW:**

An appeal from an unemployment insurance decision should include the grounds upon which it is based. Iowa Admin. Code r. 871-26.4(2). The claimant included the grounds for her appeal from the decision relating to her failure to properly report her job searches with her weekly claim. The claimant did not include any grounds for an appeal from this reemployment services decision. The appeal was set up in error.

Furthermore, the appeal is untimely. The decision was issued on January 5, 2017. The appeal deadline was January 15, 2017. This decision includes this statement: "This decision becomes final unless an appeal is postmarked by 01/15/2017, or received by Iowa Workforce Appeal Section by that date." This deadline was extended to January 17, 2017, due to the weekend and the Martin Luther King Jr. holiday. The appeal was dated January 19, 2017.

Iowa Code §96.6(2) requires a claimant to file an appeal of an IWD decision "within ten calendar days after notification was mailed to the claimant's last known address." The Iowa Supreme Court determined that a timely appeal is both mandatory and jurisdictional. *Beardslee v. Iowa Dept. of Job Services*, 276 N.W.2d 373, 377 (Iowa 1979).

The claimant's appeal was dated January 19, 2017. This appeal was untimely. Because the claimant's appeal was untimely, I do not have jurisdiction to consider her failure to attend the reemployment and eligibility assessment appointment.

**DECISION:**

This matter was erroneously set up as an appeal. The appeal is dismissed. The decision issued on January 5, 2017, reference 04, remains in effect.

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Emily Gould Chafa  
Unemployment Insurance Appeals Bureau  
Iowa Workforce Development

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Decision Dated and Mailed

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