

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DANNY L KNOTTS

Claimant

APPEAL 15A-UI-08796-EC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

MANPOWER INTERNATIONAL INC

Employer

OC: 11/16/14

Claimant: Appellant (1,6)

Iowa Code § 96.4(3) – Able and Available to Work

Iowa Code § 96.6(2) – Timeliness of Appeal

STATEMENT OF THE CASE:

The claimant/appellant, Danny Knotts, filed an appeal from the November 16, 2014, (reference 01) unemployment insurance decision that concluded he was not eligible for unemployment insurance benefits. The appeal was filed online on August 6, 2015. Notices of hearing were mailed to the parties' last-known addresses of record for a telephone hearing scheduled for August 26, 2015. The claimant/appellant followed the instructions on the hearing notice and participated in the hearing. The employer failed to respond to the hearing notice and provide a telephone number where it could be reached for the scheduled hearing.

ISSUES:

Did the appellant file a timely appeal?

FINDINGS OF FACT:

Iowa Workforce Development issued a decision on November 16, 2014, reference 01, finding that the claimant, Danny Knotts, was not eligible for unemployment insurance benefits. This decision included the appeal deadline of December 22, 2014. The decision includes this statement: "This decision becomes final unless an appeal is postmarked by 12/22/2014, or received by Iowa Workforce Appeal Section by that date."

The claimant submitted an appeal online, dated August 6, 2015. This appeal was received in the IWD Appeals Section on August 6, 2015. The claimant did not present any relevant evidence to show good cause for his failure to file an appeal on or before the deadline of December 22, 2014. His appeal was filed more than seven months after the appeal deadline.

REASONING AND CONCLUSIONS OF LAW:

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).

In the decision dated November 16, 2014, reference 01, IWD found that the claimant was ineligible for unemployment insurance benefits. This decision includes this statement: “This decision becomes final unless an appeal is postmarked by 12/22/2014, or received by Iowa Workforce Appeal Section by that date.”

The claimant’s appeal was dated August 6, 2015. The IWD Appeals Section received this appeal on August 6, 2015, the same date it was filed online. This appeal was untimely. It was not postmarked or received in the IWD Appeals Section by December 22, 2014. The claimant failed to provide appropriate relevant reasons for his untimely appeal. Because the claimant’s appeal was untimely, I do not have jurisdiction to consider whether or not he was correctly determined to be ineligible for unemployment insurance benefits.

DECISION:

The November 16, 2014, (reference 01) unemployment insurance decision denying benefits is affirmed, because the appellant’s appeal was untimely. The appeal is dismissed.

Emily Gould Chafa
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

Decision Dated and Mailed

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