

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JANIE POWELL CARROLL
Claimant

APPEAL NO. 11A-UI-12391-A

**ADMINISTRATIVE LAW JUDGE
DECISION**

ZLB BIOPLASMA INC
Employer

OC: 04/24/11
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Quit
Section 96.6-2 – Timely Appeal

STATEMENT OF THE CASE:

Janie Powell Carroll filed an appeal from an unemployment insurance decision dated September 8, 2011, reference 02, that disqualified her for benefits. After due notice was issued, a hearing was held in Davenport, Iowa, on October 25, 2011. Ms. Powell Carroll did not respond when paged at the time of the hearing. Greg Boden and Jacinda Head participated for the employer, ZLB Bioplasma, Inc. Exhibit D-1, the appeal letter, was admitted into evidence.

ISSUE:

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

FINDINGS OF FACT:

The decision from which Janie Powell Carroll has appealed states that it would become final unless an appeal was postmarked by September 18, 2011, or received by the Agency by that date. September 18, 2011, was a Sunday. The appeal was filed on Tuesday, September 20, 2011.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the administrative law judge has jurisdiction to rule on the merits of the case. He does not.

Iowa Code section 96.6-2 gives parties 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. In the absence of a timely appeal, the administrative law judge has no authority to change a prior fact-finding decision. State law automatically grants additional time for filing an appeal if the final day falls on a Saturday, Sunday, or legal holiday. In the present case, an appeal filed on Monday, September 19, 2011, would have been sufficient. However, the appeal was filed on Tuesday, September 20. There is no explanation in the file for the delay. The administrative law judge concludes that he has no jurisdiction to rule on the merits of the case.

DECISION:

The unemployment insurance decision dated September 8, 2011, reference 02, has become final and remains in effect. Benefits are withheld until the claimant has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw