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Minn. Stat. § 480A.08, subd. 3 (2012).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A12-1408**

Rafaa Eissa,
Relator,

vs.

Department of Employment and Economic Development,
Respondent.

**Filed February 25, 2013
Affirmed
Bjorkman, Judge**

Department of Employment and Economic Development
File No. 29706771-3

Rafaa Eissa, Brooklyn Park, Minnesota (pro se relator)

Lee B. Nelson, Minnesota Department of Employment and Economic Development,
St. Paul, Minnesota (for respondent Department of Employment and Economic
Development)

Considered and decided by Connolly, Presiding Judge; Bjorkman, Judge; and
Crippen, Judge.*

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to
Minn. Const. art. VI, § 10.

UNPUBLISHED OPINION

BJORKMAN, Judge

Relator challenges the unemployment-law judge's (ULJ) determination that she is ineligible to receive unemployment benefits from February 19 through April 14, 2012, arguing that she had good cause for not timely filing her requests for benefits. We affirm.

FACTS

In July 2011, relator Rafea Eissa worked for the Minnesota Department of Transportation. She was furloughed in response to the Minnesota government shutdown and established an unemployment-benefits account with respondent Minnesota Department of Employment and Economic Development (DEED) on July 3, 2011. At that time, Eissa received a handbook that explained, among other things, how to request unemployment benefits. After the shutdown ended, Eissa returned to work, and her unemployment-benefits account became inactive.

In October 2011, Eissa accepted a job with Global Marketing where she worked until the position ended on February 25, 2012. Eissa then traveled to California to care for a sick relative. On May 1, after returning to Minnesota, Eissa reactivated her unemployment-benefits account and filed a request for benefits dating back to the week of February 19. DEED determined that Eissa is eligible to receive unemployment benefits beginning the week of April 15 but that she is not entitled to receive benefits for the earlier weeks because she did not timely file requests for benefits.

Eissa appealed the ineligibility determination. The ULJ conducted an evidentiary hearing. Eissa testified that she was in California during the ineligibility period and was

unaware that she could not backdate a request for benefits more than two weeks. The ULJ determined that Eissa did not have good cause for failing to timely file her requests for benefits and that she is therefore ineligible to receive benefits for the weeks of February 19 to April 14. Eissa requested reconsideration, arguing that she was unable to timely file a benefits request because she did not have Internet access while in California. The ULJ rejected Eissa's argument and affirmed the ineligibility determination. This certiorari appeal follows.

D E C I S I O N

We review a ULJ's order to determine whether it is "(1) in violation of constitutional provisions; (2) in excess of the statutory authority or jurisdiction of the department; (3) made upon unlawful procedure; (4) affected by other error of law; (5) unsupported by substantial evidence in view of the entire record as submitted; or (6) arbitrary or capricious." Minn. Stat. § 268.105, subd. 7(d) (2012). Findings of fact are reviewed in the light most favorable to the ULJ's decision and will not be disturbed if they are substantially supported by the evidence. *Skarhus v. Davanni's Inc.*, 721 N.W.2d 340, 344 (Minn. App. 2006). Whether an applicant is eligible for unemployment benefits is a question of law, which we review de novo. *Jenkins v. Am. Express Fin. Corp.*, 721 N.W.2d 286, 289 (Minn. 2006).

To be eligible to receive unemployment benefits for a particular week, an applicant must file what is referred to as a continued request for unemployment benefits (request) for that week. Minn. Stat. § 268.085, subd. 1(1) (2012). A request is a certification by an applicant that he or she is unemployed and eligible to receive

unemployment benefits. Minn. Stat. § 268.0865, subd. 1 (2012). An applicant is not eligible to receive benefits for any period dating back more than two calendar weeks before a request is filed unless the applicant shows good cause for not timely filing the request. *Id.*, subds. 3(c), 4(b) (2012). Good cause is defined as “a compelling substantial reason that would have prevented a reasonable person acting with due diligence from filing a continued request for unemployment benefits within the time periods required.” *Id.*, subd. 5(a) (2012).

Eissa argues that she had good cause for not timely filing her requests because she was caring for her sick aunt in California and did not have access to the Internet or other means of communication. We disagree. The ULJ found that Eissa did not file her requests because she mistakenly believed that she could backdate requests more than two weeks. And on reconsideration, the ULJ expressly rejected Eissa’s assertion that she did not have Internet access while in California. Our review of the record reveals substantial evidentiary support for the ULJ’s findings. Eissa testified that “[t]he only reason why I filed this so late is because I had no knowledge whatsoever that you can’t backdate the request. And that’s the reason why, coupled with the fact that I was out of the state at the time.” Eissa also acknowledged, during the hearing, that she could have accessed her unemployment-benefits account online while she was in California.

The ULJ concluded that Eissa’s misunderstanding of the filing requirements does not constitute good cause to not timely file her requests. We agree. Eissa received an unemployment handbook when she established her unemployment-benefits account. A reasonable person acting with due diligence would have reviewed the handbook and

learned that a request could not be backdated more than two weeks. On this record, we conclude that substantial evidence supports the ULJ's determination that Eissa is ineligible for unemployment benefits for the weeks of February 19 to April 14, 2012.

Affirmed.