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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A13-1874**

Jeremy Thomsen,
Relator,

vs.

Metes & Bounds Management Company (Corp.),
Respondent,
Department of Employment and Economic Development,
Respondent.

**Filed May 27, 2014
Affirmed
Stauber, Judge**

Department of Employment and Economic Development
File No. 30890704-5

Jeremy Thomsen, Pengilly, Minnesota (pro se relator)

Metes & Bounds Management Company Corp., Minneapolis, Minnesota (respondent
employer)

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

Considered and decided by Stauber, Presiding Judge; Peterson, Judge; and
Hudson, Judge.

UNPUBLISHED OPINION

STAUBER, Judge

In this certiorari appeal from an unemployment law judge's (ULJ) decision dismissing relator's request for reconsideration as untimely, relator argues that we should consider his claims on the merits because he was unable to timely file his request for reconsideration due to problems accessing the Internet. We affirm.

FACTS

In April 2013, following a de novo hearing, the ULJ issued a decision concluding that relator Jeremy Thomsen was eligible for unemployment benefits because he was discharged for reasons other than employment misconduct. The employer filed a request for reconsideration of the ULJ's decision. The ULJ set aside her findings of fact and decision and ordered an additional evidentiary hearing. Following that hearing, the ULJ concluded that relator was not eligible for benefits because he was discharged for employment misconduct. The order stated that the "decision will be final unless a request for reconsideration is filed with the [ULJ] on or before . . . July 22, 2013."

On July 23, 2013, relator filed his request for reconsideration. The ULJ dismissed the request as untimely because it was not filed within the statutory time limit prescribed in Minn. Stat. § 268.105, subd. 2(a) (2012). This certiorari appeal followed.

DECISION

Under Minn. Stat. § 268.105, subs. 1(c), 2(a) (2012), a ULJ's decision becomes final unless "within 20 calendar days of the sending of the [ULJ's] decision" the unemployment-benefits applicant files "a request for reconsideration." An untimely

request for reconsideration must be dismissed for lack of jurisdiction. *See Kennedy v. Am. Paper Recycling Corp.*, 714 N.W.2d 738, 740 (Minn. App. 2006) (affirming dismissal of untimely appeal from ineligibility determination). A ULJ's decision to dismiss a request for reconsideration is reviewed de novo. *See Rowe v. Dep't of Emp't & Econ. Dev.*, 704 N.W.2d 191, 194 (Minn. App. 2005) (affirming dismissal of untimely appeal from ineligibility determination).

The purpose of chapter 268 is to assist those who are unemployed through no fault of their own. Minn. Stat. § 268.03, subd. 1 (2012). The chapter is remedial in nature and must be applied in favor of awarding benefits, and any provision precluding receipt of benefits must be narrowly construed. Minn. Stat. § 268.031, subd. 2 (2012). "There is no equitable or common law denial or allowance of unemployment benefits." Minn. Stat. § 268.069, subd. 3 (2012).

Relator does not dispute that his request for reconsideration was untimely. But relator claims that he was unable to timely file his request for reconsideration due to problems accessing the Internet. He further claims that in filing his request for reconsideration a day late, he relied on the erroneous instructions of a department employee. Thus, relator contends that this court should consider his arguments pertaining to the merits of the ULJ's decision to deny him unemployment benefits.

We disagree. The supreme court has stated that "statutes relating to the time for appeal or review of determinations made" under the unemployment-compensation statute are "strictly construed." *Kenzie v. Dalco Corp.*, 309 Minn. 495, 497, 245 N.W.2d 207, 208 (1976). And this court has construed the statutory period for filing an appeal from an

initial determination of eligibility for unemployment benefits as absolute, and has dismissed untimely appeals for lack of jurisdiction. *See Stassen v. Lone Mountain Truck Leasing, LLC*, 814 N.W.2d 25, 29 (Minn. App. 2012). In fact, the statutory time limit for filing an appeal has been strictly enforced, even when the benefits applicant missed the filing deadline by only one day. *See, e.g., Semanko v. Dep't of Emp't Servs.*, 309 Minn. 425, 427, 430, 244 N.W.2d 663, 664, 666 (1976) (affirming dismissal of appeal brought by benefits applicant when appeal was filed eight days after mailing of eligibility decision, under predecessor statute that provided for seven-day appeal period, construing provision as “absolute and unambiguous”).

Here, the undisputed record reflects that the ULJ’s decision was final because relator failed to file his request for reconsideration within 20 days from the time the ULJ’s decision was mailed. *See* Minn. Stat. § 268.105, subds. 1(c), 2(a). Because the 20-day period to request reconsideration of the ULJ’s decision is absolute and unambiguous and must be strictly construed, the ULJ had no authority to consider relator’s request for reconsideration even though it was filed only one day late. Therefore, the ULJ did not err by dismissing relator’s request for reconsideration.

Affirmed.