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Minn. Stat. § 480A.08, subd. 3 (2010).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A11-2343**

Linda M. Vlieger,
Relator,

vs.

Augsburg College,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed September 17, 2012
Affirmed
Peterson, Judge**

Department of Employment and Economic Development
File No. 28451635-3

Linda M. Vlieger, Fairmont, Minnesota (pro se relator)

Augsburg College, Minneapolis, Minnesota (respondent employer)

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

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

UNPUBLISHED OPINION

PETERSON, Judge

This appeal is from a decision of an unemployment-law judge that dismissed as untimely relator's administrative appeal of a determination that she is ineligible to receive unemployment benefits. We affirm.

FACTS

Relator Linda Vlieger applied for unemployment benefits, and on September 2, 2011, respondent Minnesota Department of Employment and Economic Development (DEED) issued a determination of ineligibility, which stated that “[t]his determination will become final unless an appeal is filed by Thursday, September 22, 2011. The ‘filed’ date is the postmark date, if mailed, or the date received by the Unemployment Insurance Program, if sent by fax or internet.” Using the Internet, relator filed an appeal on September 23, one day after the appeal period expired.

An unemployment-law judge (ULJ) found that “[t]he appeal was not filed within the time period required under the law” and dismissed the appeal as untimely. Relator filed a timely request for reconsideration, and the ULJ affirmed the dismissal order. This certiorari appeal followed.

DECISION

Relator candidly acknowledges that she filed her appeal one day late, but she offers reasons why her appeal should be considered timely. However, well-established law requires that we affirm the ULJ's decision dismissing relator's appeal as untimely.

“A determination of eligibility or determination of ineligibility is final unless an appeal is filed by the applicant or notified employer within 20 calendar days after sending. The determination must contain a prominent statement indicating the consequences of not appealing.” Minn. Stat. § 268.101, subd. 2(f) (2010). Relator does not dispute that the determination of ineligibility she received included a prominent statement indicating that DEED’s “determination [of ineligibility would] become final unless an appeal [was] filed by Thursday, September 22, 2011.”

The statutory period for filing an appeal from an ineligibility determination is “absolute and unambiguous,” and an applicant is not entitled to a hearing to show “compelling good cause” for a late appeal. *Semanko v. Dep’t of Emp’t Servs.*, 309 Minn. 425, 428-30, 244 N.W.2d 663, 665-66 (1976); *see also Jackson v. Minn. Dep’t of Manpower Servs.*, 296 Minn. 500, 501, 207 N.W.2d 62, 63 (1973) (holding that administrative appeal mailed one day late was untimely). Although the length of the period for filing an administrative appeal has changed over time, the reasoning of *Semanko* continues to apply.

Affirmed.