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Minn. Stat. § 480A.08, subd. 3 (2008).*

**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A09-1580**

Kelly Bursey,  
Relator,

vs.

Avenue Kids LLC,  
Respondent,

Department of Employment and Economic Development,  
Respondent.

**Filed March 9, 2010  
Affirmed  
Toussaint, Chief Judge**

Department of Employment and Economic Development  
File No. 22211546-3

Kelly M. Bursey, Columbia Heights, Minnesota (pro se relator)

Avenue Kids LLC, St. Paul, Minnesota (respondent)

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

Considered and decided by Toussaint, Chief Judge; Johnson, Judge; and Crippen,  
Judge.\*

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

## UNPUBLISHED OPINION

TOUSSAINT, Chief Judge

Relator Kelly Bursey challenges the decision of the unemployment-law judge (ULJ) dismissing as untimely relator's appeal from the determination of respondent Department of Employment and Economic Development (DEED). Because neither the ULJ nor this court has jurisdiction over an untimely appeal, we affirm the dismissal.

### DECISION

After relator's employment was terminated, she applied for unemployment benefits. On March 31, 2009, DEED sent relator a determination of ineligibility. It told her that: (1) she was ineligible because she had been fired for misconduct; (2) the issue was number 22211546-1; and (3) the "determination will become final unless an appeal is filed by Monday, April 20, 2009." *See* Minn. Stat. § 268.101, subd. 2(f) (2008) (fixing appeal period as 20 days); *Kennedy v. American Paper Recycling Corp.*, 714 N.W.2d 738, 740 (Minn. App. 2006) ("[T]here are no statutory provisions for extensions or exceptions to the appeal period. When an appeal from a disqualification determination is untimely, it must be dismissed for lack of jurisdiction." (citation omitted)).

Relator did not file an appeal from this determination until April 24, 2009. By that date, the determination that she was ineligible for benefits because she had been fired for misconduct was final and unappealable, and neither the ULJ nor this court could acquire jurisdiction over it. Relator's appeal from this determination was properly dismissed.

Relator argues on this appeal, as she argued in her request for reconsideration, that she intended to appeal from the determination of ineligibility due to misconduct on April

15, 2009, when she filed an appeal from another determination of ineligibility that was based on her inability to work on certain dates. But, as the ULJ noted in denying relator's request for reconsideration of the dismissal, nothing in the appeal relator filed on April 15, 2009, pertained to the determination that she had been discharged for misconduct or evinced any intent to appeal from that determination.<sup>1</sup>

**Affirmed.**

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<sup>1</sup> Relator's April 15, 2009, appeal is not part of the record, but she did not refute the ULJ's statement in her brief for this appeal.