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may not be cited except as provided by
Minn. Stat. § 480A.08, subd. 3 (2008).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A09-2036**

Rafiu Akinwande,
Relator,

vs.

CommonBond Housing (Corp),
Respondent,

Benoz Enterprise Inc.,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed April 20, 2010
Affirmed
Collins, Judge***

Department of Employment and Economic Development
File No. 21182479-3

Rafiu B. Akinwande, Dolton, Illinois (pro se relator)

CommonBond Housing Corp., St. Paul, Minnesota (respondent employer)

Benoz Enterprise Inc., Plymouth, Minnesota (respondent employer)

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

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

Considered and decided by Toussaint, Chief Judge; Lansing, Judge; and Collins, Judge.

UNPUBLISHED OPINION

COLLINS, Judge

Relator brings this certiorari appeal from the decision of the unemployment-law judge (ULJ) dismissing his request for reconsideration as untimely. Because relator failed to request reconsideration within the allowable time, and the ULJ has no jurisdiction to extend the time, we affirm.

DECISION

The department of employment and economic development (DEED) issued a determination of ineligibility to relator Rafiu Akinwande after he received unemployment benefits but failed to report his earnings from part-time work. Akinwande appealed and, after a hearing, the ULJ ruled that Akinwande was overpaid unemployment benefits of \$779 through fraud and assessed a penalty of \$311.60. The decision, which was mailed on May 4, 2009, also notified Akinwande that “this decision will be final unless a request for reconsideration is filed with the unemployment law judge on or before Tuesday, May 26, 2009.” Akinwande sought reconsideration on August 13, and on October 20, the ULJ dismissed relator’s request for reconsideration as untimely. This certiorari appeal followed.

When reviewing a decision of a ULJ on certiorari appeal, we may affirm the decision, remand it for further proceedings, or reverse or modify it if the substantial rights of the relator have been prejudiced because the findings, conclusion, or decision are

affected by error of law or are unsupported by substantial evidence. Minn. Stat. § 268.105, subd. 7(d) (2008). “An agency decision to dismiss an appeal as untimely is a question of law, which we review de novo.” *Kennedy v. Am. Paper Recycling Corp.*, 714 N.W.2d 738, 739 (Minn. App. 2006).

The ULJ’s decision is “final unless a request for reconsideration is filed.” Minn. Stat. § 268.105, subd. 1(c) (2008). The applicant has 20 days to file a request for reconsideration. Minn. Stat. § 268.105, subd. 2(a) (2008). “[S]tatutes designating the time for appeal from decisions of all levels of the Department should be strictly construed, regardless of mitigating circumstances.” *King v. Univ. of Minn.*, 387 N.W.2d 675, 677 (Minn. App. 1986), *review denied* (Minn. Aug. 13, 1986). An untimely appeal must be dismissed for lack of jurisdiction. *Kennedy*, 714 N.W.2d at 740.

In his request for reconsideration, which was filed more than 11 weeks late, Akinwande explained that he had been traveling and did not receive the ULJ’s decision until August 8. But the time for filing an appeal must be strictly construed regardless of mitigating circumstances. *King*, 387 N.W.2d at 677. Because Akinwande filed his request for reconsideration well after the 20-day deadline set out in the statute, specified in the ULJ’s decision as May 26, 2009, the ULJ correctly dismissed it as untimely.

In his brief to this court, Akinwande purports to challenge a notice that he owes DEED \$15,928.60. We cannot address any such determination, because here, Akinwande appealed only the ULJ’s decision dismissing his request for reconsideration of the May 4, 2009 decision, and that is the sole decision before us to review.

Affirmed.