

*This opinion will be unpublished and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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A09-2086**

Diane Grooms,
Relator,

vs.

Northwest Airlines Inc.,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed July 20, 2010
Affirmed
Toussaint, Chief Judge**

Department of Employment and Economic Development
File No. 22370487-3

Diane K. Grooms, St. Paul, Minnesota (pro se relator)

Northwest Airlines, St. Louis, Missouri (respondent Northwest Airlines)

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

Considered and decided by Toussaint, Chief Judge; Minge, Judge; and Harten,
Judge.*

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

UNPUBLISHED OPINION

TOUSSAINT, Chief Judge

Relator Diane Grooms challenges the decision of the unemployment-law judge (ULJ) dismissing as untimely her appeal from the determination of ineligibility by respondent Department of Employment and Economic Development (DEED). Because the ULJ did not have jurisdiction over the untimely appeal, we affirm.

DECISION

Grooms applied for unemployment benefits after accepting a voluntary layoff from her job. DEED issued a determination of ineligibility on April 21, 2009, ruling that she quit employment and was not eligible for benefits. The determination contains a paragraph entitled “Right of Appeal,” which states: “This determination will become final unless an appeal is filed by Monday, May 11, 2009.” Grooms filed an appeal on May 20, 2009. The ULJ dismissed the appeal as untimely and, after Grooms requested reconsideration, affirmed.

This court may reverse or modify a ULJ’s decision if a petitioner’s substantial rights were prejudiced because the ULJ’s decision was affected by an error of law. Minn. Stat. § 268.105, subd. 7(d)(4) (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).

A determination of ineligibility will become final unless an appeal is filed within 20 days. Minn. Stat. § 268.101, subd. 2(f) (2008). Grooms contends that she received conflicting information about when to file the appeal, and she argues the merits of the

ineligibility determination. “In numerous instances, the courts in this jurisdiction have held that statutes 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). “When an appeal from a disqualification determination is untimely, it must be dismissed for lack of jurisdiction.” *Kennedy*, 714 N.W.2d at 740. Therefore, we must affirm the ULJ’s decision on reconsideration dismissing Grooms’s appeal as untimely, without reaching the merits.

Affirmed.