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

**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A10-838**

Linda Reddish,  
Relator,

vs.

Department of Employment and Economic Development,  
Respondent.

**Filed December 21, 2010  
Affirmed  
Toussaint, Judge**

Department of Employment and Economic Development  
File No. 24265971-3

Linda Reddish, Somerset, WI (pro se relator)

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

Considered and decided by Toussaint, Presiding Judge; Ross, Judge; and Huspeni,  
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## UNPUBLISHED OPINION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, Judge

Relator Linda Reddish, a nurse, challenges the decision of the unemployment-law judge (ULJ) dismissing her appeal as untimely. Because that decision was mandated by statute and caselaw, we affirm.

### DECISION

In June 2009, Reddish established an unemployment benefit account of \$380 weekly and began receiving benefits. She continued receiving them until respondent Department of Employment and Economic Development (DEED) sent her two documents, both dated January 5, 2010. Each document notified Reddish that it would “become final unless an appeal is filed by Monday, January 25, 2010”; and that the “‘filed’ date is . . . the date received by the Unemployment Insurance Program, if sent by fax or internet. The recommended method for filing an appeal is by internet.”

The first document told Reddish that she had been ineligible for benefits from July 5, 2009, to August 29, 2009, because during seven of those weeks she had earned amounts ranging from \$150 to \$1,261.50 and that she had been overpaid \$1,787. The second document notified her that she had committed fraud under Minn. Stat. § 268.18 (2008); that the statutory penalty was \$714.80; and that she was ineligible for further benefits as long as she had “an outstanding fraud overpayment balance, including any penalties and interest.”

On Tuesday, January 26, 2010, Reddish filed her appeal by Internet. On January 27, the ULJ issued an order dismissing her appeal as untimely. Reddish moved for

reconsideration, and the ULJ issued an order affirming the dismissal, stating: “Once the determination of ineligibility became final, the [ULJ] had no legal authority to address the case on its merits.”

The dismissal of Reddish’s untimely appeal was mandated by statute and by caselaw. See Minn. Stat. § 268.101, subd. 2(f) (2008) (providing that DEED determination is final unless appeal is filed within 20 days); *Semanko v. Dep’t of Employment Servs.*, 309 Minn. 425, 430, 244 N.W.2d 663 (1976) (appeal period is “absolute”); *King v. Univ. of Minn.*, 387 N.W.2d 675, 677 (Minn. App. 1986) (time periods must be strictly construed regardless of mitigating circumstances), *review denied* (Minn. Aug. 13, 1986); *Cole v. Holiday Inns, Inc.*, 347 N.W.2d 72, 73 (Minn. App. 1984) (no exceptions to statutory time period for appeal). There was no error in the ULJ’s dismissal of Reddish’s appeal.

**Affirmed.**