

**THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY**

GERALDINE DAGGETT,)	
Appellant,)	
)	
v.)	
)	C.A. No.: 11A-03-014 FSS
)	
SKY’S REST and)	
UNEMPLOYMENT INSURANCE)	
APPEAL BOARD,)	
Appellees.)	

Submitted: October 3, 2011
Decided: October 17, 2011

ORDER

**Upon Appeal From the Unemployment Insurance Appeal Board –
*AFFIRMED***

1. Although Appellant pursued her claim for unemployment insurance benefits properly through a hearing by an appeals referee, she defaulted on her appeal to the Division of Unemployment Insurance Appeal Board. She filed her notice of appeal too late, through no fault of the Board.¹ So, the issue here is whether the Board properly dismissed her appeal to it as untimely.

¹ See 19 Del. C. § 3318(c) (“[Appeals] decision . . . shall be deemed final unless within 10 days after the date of notification or mailing of such decision further appeal is initiated pursuant to § 3320 of this title.”).

2. The appeals referee's decision was issued on October 8, 2010. Appellant filed her appeal to the Board on March 2, 2011.

3. After a full hearing, an appeals referee determined that Appellant was ineligible for benefits because "[Appellant] knowingly withheld her earnings from the Department of Labor in order to collect benefits to which she was not lawfully entitled." Appellant understated earnings on her claims for benefits.

4. Appellant focuses here almost entirely on her claim that the wrong employer was named in the proceedings below. Even if that were true, which it does not appear to be, that is beside the point. It does not explain, much less justify, Appellant's failing to meet the deadline set for her appeal from the appeals referee.

5. In reviewing the Board's finding that the appeal was untimely, the court observes that the Board briefly considered the untimely appeal's substance.

6. Even if the court had authority to consider Appellant's claim that she was employed by Damon's, rather than Sky's Rest, that would be unavailing. As mentioned above, Appellant was disqualified from receiving benefits by the Department of Labor because she fudged her claim. Thus, it does not matter who her actual employer was. In any event, this appeal is doomed because Appellant failed to properly exhaust her administrative remedies when she defaulted on her appeal to the Board.

For the foregoing reasons, the Board's March 9, 2011 decision is

AFFIRMED.

IT IS SO ORDERED.

/s/ Fred S. Silverman

Judge

cc: Prothonotary

Ms. Geraldine Daggett, *Pro Se*

James H. McMackin, III, Esquire

Katisha D. Fortune, Esquire - Unemployment Insurance Appeal Board