

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

WILLIAM AKINFENWA,	)	
Appellant,	)	
	)	
	)	
v.	)	C.A. No.: 11A-07-003 FSS
	)	
	)	
UNEMPLOYMENT INSURANCE	)	
APPEAL BOARD,	)	
Appellee.	)	

Submitted: January 13, 2012  
Decided: March 6, 2012

**ORDER**

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

1. A claims deputy disqualified Appellant from receiving unemployment benefits because he had understated his income on several occasions,<sup>1</sup> resulting in more benefits than those to which he was entitled. On May 3, 2011, a denial notice was mailed to Appellant’s record address. Appellant had until May 13,

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<sup>1</sup> See 19 Del. C. § 3314(6) (“If the Department determines [an] individual has made a false statement or representation knowing it to be false, . . . a disqualification issued pursuant to this subsection shall be considered a disqualification due to fraud.”).

2011 to file an appeal.<sup>2</sup> Appellant did not file his appeal until May 20, 2011, a week late. Appellant justified his late appeal because he was looking for work in New Jersey, New York City and Philadelphia, and unable to check his mail.

2. After a full hearing, an appeals referee determined that “there are no mitigating circumstances in this case to allow any waiver of the timeliness requirements, which are jurisdictional in nature. Since the [Appellant] failed to file a timely appeal, the fraud determination issued on May 3, 2011 is final and binding.”

3. The referee’s decision was issued on June 16, 2011. Appellant appealed to the Board on June 21, 2011, reiterating he filed late because he was looking for work.

4. On June 29, 2011, the Board affirmed the finding that the initial appeal was untimely and no extenuating circumstances justified the Board’s accepting the appeal on its own.<sup>3</sup> On July 10, 2011, Appellant timely appealed to this court.

5. Here, Appellant continues to focus on his absence from the State, which he claims justifies missing the deadline. Being busy with personal business out

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<sup>2</sup> See 19 Del. C. § 3318(b) (“Unless a claimant . . . files an appeal within 10 calendar days after such Claims Deputy’s determination was mailed to the last known address[] of the claimant, the Claims Deputy’s determination shall be final.”).

<sup>3</sup> *Funk v. UIAB*, 591 A.2d 222, 225 (Del. 1991). See also 19 Del. C. § 3320.

of town does not justify missing 19 *Del. C.* § 3118(b)'s strict deadline.<sup>4</sup>

6. There was no reason presented that required the Board to have overturned the claims deputy's initial finding of fraud. That includes Appellant's excuse for his untimely appeal, which the Board rejected.

For the foregoing reasons, the Board's June 29, 2011 decision is

**AFFIRMED.**

**IT IS SO ORDERED.**

/s/ Fred S. Silverman

Judge

cc: Prothonotary

Mr. William Akinfenwa, *Pro Se*

Katisha D. Fortune, Esquire - Unemployment Insurance Appeal Board

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<sup>4</sup> See *McKinley v. First Impressions, Inc.*, 2005 WL 1654013, at \*1 (Del. Super. Jun. 20, 2005) (Babiarz, J.), *aff'd*, 897 A.2d 768 (Del. 2006) (TABLE). See also *Hartman v. Unemployment Ins. Appeals Board*, 2004 WL 772067, at \*3 (Del. Super. Apr. 5, 2004) (Cooch, R.J.) ("This Court affirms the UIAB's decision. Clamaint conceded her appeal . . . was filed late because she was away on vacation.").