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Minn. Stat. § 480A.08, subd. 3 (2012).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A14-0155**

Abdel M. El Rashidi,
Relator,

vs.

Building Materials Manufacturing Company (Corp.),
Respondent,

Department of Employment and Economic Development,
Respondent

**Filed June 23, 2014
Affirmed
Peterson, Judge**

Department of Employment and Economic Development
File No. 31519032-3

Abdel M. El Rashidi, Richfield, Minnesota (pro se relator)

Building Materials Manufacturing Company (Corp.), Minneapolis, Minnesota
(respondent employer)

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

Considered and decided by Schellhas, Presiding Judge; Peterson, Judge; and
Connolly, Judge.

UNPUBLISHED OPINION

PETERSON, Judge

This certiorari appeal is from an unemployment-law judge's (ULJ) decision that relator's request for reconsideration was untimely. We affirm.

FACTS

Relator Abdel El Rashidi applied for unemployment benefits and established a benefit account in June 2013. On September 3, 2013, respondent Department of Employment and Economic Development (DEED) issued a determination of ineligibility and a determination of fraud. The ineligibility determination resulted in an overpayment of \$982 to relator, and the fraud determination assessed a statutory penalty of \$392. Both determinations stated that "[t]his determination will become final unless an appeal is filed by Monday, September 23, 2013." Relator filed an appeal on October 4, 2013. In an order dated October 25, 2013, the ULJ dismissed relator's appeal as untimely. The ULJ's decision stated that the decision would become final unless a request for reconsideration was filed by November 14, 2013.

Relator filed a request for reconsideration on November 18, 2013, and the ULJ dismissed it as untimely. Relator appeals to this court under Minn. Stat. § 268.105, subd. 7 (2012) and Minn. R. Civ. App. P. 115.

DECISION

The only issue on appeal is whether the ULJ erred by dismissing relator's request for reconsideration as untimely. This court may affirm a ULJ's decision, remand it for further proceedings, or reverse or modify it if the substantial rights of the petitioner have

been prejudiced. Minn. Stat. § 268.105, subd. 7(d) (2012). “[A] ULJ’s decision to dismiss an appeal as untimely is a question of law, subject to de novo review.” *Godbout v. Dep’t of Emp’t & Econ. Dev.*, 814 N.W.2d 49, 56 (Minn. App. 2013).

An unemployment-benefits applicant may file a request for reconsideration of a ULJ’s decision “within 20 calendar days of the sending of the [ULJ]’s decision.” Minn. Stat. § 268.105, subd. 2(a) (2012). If no request for reconsideration is filed within that time, the decision becomes final. Minn. Stat. § 268.105, subd. 1(c) (2012). Statutes relating to the time for appeal or review of determinations made under the unemployment-compensation statute are strictly construed. *Kenzie v. Dalco Corp.*, 309 Minn. 495, 497, 245 N.W.2d 207, 208 (1976) (construing time period for appeal under predecessor unemployment-compensation statute). “[T]he time limit for appeal is absolute.” *Stassen v. Lone Mountain Truck Leasing, LLC*, 814 N.W.2d 25, 30 (Minn. App. 2012). “An untimely appeal from a determination must be dismissed for lack of jurisdiction.” *Id.* at 29. We are not aware of any authority that permits us to depart from the rule of strict construction of the statute governing the procedure for filing a request for reconsideration.

The record demonstrates that the ULJ’s decision informed relator that the decision would become final unless relator filed a request for reconsideration “on or before” November 14, 2013. Relator filed his request for reconsideration on November 18, 2013. Because relator did not file his request for reconsideration within the time allowed under

the statute, the ULJ had no authority to consider relator's request for reconsideration and, therefore, did not err in dismissing the request as untimely.

Affirmed.