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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A13-0087**

Richard Wilkinson,
Relator,

vs.

Advanced Auto Repair of Brainerd, Inc.,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed July 29, 2013
Affirmed
Kalitowski, Judge**

Department of Employment and Economic Development
File No. 30309839-2

Richard Wilkinson, Brainerd, Minnesota (pro se relator)

Advanced Auto Repair of Brainerd, Inc., Brainerd, Minnesota (respondent)

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

Considered and decided by Hooten, Presiding Judge; Kalitowski, Judge; and
Willis, Judge.*

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

UNPUBLISHED OPINION

KALITOWSKI, Judge

Relator Richard Wilkinson appeals the decision of the unemployment-law judge dismissing as untimely his appeal from an ineligibility determination. We affirm.

DECISION

After being terminated from employment in July 2012, relator applied for unemployment benefits. On September 4, 2012, the Department of Employment and Economic Development (DEED) determined relator ineligible to receive unemployment benefits. The determination of ineligibility stated that it “will become final unless an appeal is filed by Monday, September 24, 2012.” Relator appealed the initial determination on October 4, 2012. The unemployment-law judge (ULJ) dismissed relator’s appeal as untimely. In a request for reconsideration, relator asserted that he appealed after the deadline because a DEED employee had advised him to address a separate unemployment-benefits issue first. The ULJ affirmed the dismissal.

A ULJ’s decision to dismiss an appeal as untimely raises a question of law, which we review de novo. *Stassen v. Lone Mountain Truck Leasing, LLC*, 814 N.W.2d 25, 29 (Minn. App. 2012). An initial determination of ineligibility is final unless the applicant files an appeal within 20 calendar days after DEED sends the determination. Minn. Stat. § 268.101, subd. 2(f) (2012). An untimely appeal from an ineligibility determination must be dismissed for lack of jurisdiction. *Kennedy v. Am. Paper Recycling Corp.*, 714 N.W.2d 738, 740 (Minn. App. 2006).

Relator asserts that he appealed the ineligibility determination after the 20-day deadline because he relied on erroneous instructions from a DEED employee. But we have repeatedly held that the “20-day deadline is absolute and unambiguous.” *Kangas v. Indus. Welders & Machinists, Inc.*, 814 N.W.2d 97, 100 (Minn. App. 2012) (quotation omitted); *Kennedy*, 714 N.W.2d at 738-40 (concluding that because “there are no statutory provisions for extensions or exceptions to the appeal period,” an appeal filed one day late was untimely and properly dismissed); *Rowe v. Dep’t of Emp’t and Econ. Dev.*, 704 N.W.2d 191, 196 (Minn. App. 2005) (stating that the statutory appeal period “is strictly construed against the relator”); *King v. Univ. of Minn.*, 387 N.W.2d 675, 677 (Minn. App. 1986) (stating that “statutes designating the time for appeal from decisions of all levels of DEED should be strictly construed, regardless of mitigating circumstances”), *review denied* (Minn. Aug. 13, 1986); *see also* Minn. Stat. § 268.101, subd. 2(f) (including no exceptions to the 20-day deadline). Moreover, under Minnesota law “[t]here is no equitable or common law denial or allowance of unemployment benefits.” Minn. Stat. § 268.069, subd. 3 (2012). We conclude that the ULJ did not err by dismissing relator’s appeal as untimely.

Affirmed.