

Filed 1/23/20 by Clerk of Supreme Court

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2020 ND 7

Shane Jarvis,

Appellant

v.

North Dakota Workforce Safety and Insurance,

Appellee

No. 20190218

Appeal from the District Court of Burleigh County, South Central Judicial District, the Honorable Bruce A. Romanick, Judge.

AFFIRMED.

Opinion of the Court by Jensen, Chief Justice.

Shane S. Jarvis, self-represented, Buffalo, WY, appellant.

Jacqueline S. Anderson, Special Assistant Attorney General, Fargo, ND, for appellee.

Jarvis v. WSI
No. 20190218

Jensen, Chief Justice.

[¶1] Shane Jarvis appeals the district court’s judgment dismissing his appeal from the decision of an administrative law judge. The district court dismissed the appeal after finding the appeal was untimely. We affirm.

I

[¶2] On May 3, 2016, Workforce Safety and Insurance (WSI) issued an order discontinuing Jarvis’ partial disability benefits. On March 2, 2018, WSI issued a second order denying liability for Jarvis’ lumbar condition as well as any mental or psychological condition, including depression, anxiety, and post-traumatic stress disorder. Jarvis requested a hearing on the orders and the two proceedings were consolidated for hearing before an administrative law judge. The administrative law judge affirmed WSI’s orders on December 31, 2018.

[¶3] In March of 2019, Jarvis sent documents seeking to appeal the December 31, 2018, decision of the administrative law judge to both the administrative law judge and counsel for WSI. In April of 2019, this Court received from Jarvis documents seeking to appeal the December 31, 2018, decision of the administrative law judge. On April 17, 2019, an appeal from the December 31, 2018, decision of the administrative law judge was filed with the district court.

[¶4] On June 11, 2019, the district court dismissed Jarvis’ appeal from the December 31, 2018, decision of the administrative law judge. The district court dismissed the appeal after finding the appeal, filed with the district court on April 17, 2019, was untimely because it was not filed with the district court within thirty days after notice of the December 31, 2018, decision of the administrative law judge as required by N.D.C.C. § 28-32-42.

II

[¶5] An appeal to a district court from a post-hearing administrative order is governed by N.D.C.C. ch. 65-10 and N.D.C.C. ch. 28-32. N.D.C.C. § 65-01-16(9); N.D.C.C. § 65-10-01. An appeal from a final administrative decision to the district court must be taken within thirty days after notice of the appealable order has been given. N.D.C.C. § 28-32-42(1). Failure to satisfy the statutory requirements for initiating an appeal to the district court from an administrative decision prevents the district court from obtaining subject matter jurisdiction over the appeal. *Benson v. Workforce Safety & Ins.*, 2003 ND 93, ¶ 6, 672 N.W.2d 640.

[¶6] Jarvis' appeal was required to be filed with the district court within thirty days of notice of the December 31, 2018, administrative law judge's decision. He filed his appeal with the district court on April 17, 2019, more than thirty days after the administrative law judge had issued a decision. The appeal was untimely and the district court correctly dismissed the appeal for lack of subject matter jurisdiction. We affirm the judgment of the district court dismissing Jarvis' appeal for lack of subject matter jurisdiction.

[¶7] Jon J. Jensen, C.J.
Gerald W. VandeWalle
Daniel J. Crothers
Lisa Fair McEvers
Jerod E. Tufte