

**Pursuant to Ind. Appellate Rule 65(D),  
 this Memorandum Decision shall not be  
 regarded as precedent or cited before  
 any court except for the purpose of  
 establishing the defense of res judicata,  
 collateral estoppel, or the law of the case.**

APPELLANT PRO SE:

**JULIE KING FARLEY**  
 Anderson, Indiana

ATTORNEYS FOR APPELLEE:

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 Attorney General of Indiana

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 Indianapolis, Indiana

**IN THE  
 COURT OF APPEALS OF INDIANA**

JULIE A. KING FARLEY, )  
 )  
 Appellant-Claimant, )  
 )  
 vs. )  
 )  
 REVIEW BOARD OF THE INDIANA )  
 DEPARTMENT OF WORKFORCE )  
 DEVELOPMENT, )  
 )  
 Appellee. )

No. 93A02-0701-EX-106

APPEAL FROM THE REVIEW BOARD OF THE INDIANA DEPARTMENT OF  
 WORKFORCE DEVELOPMENT  
 Cause No. 06-R-3542

**November 14, 2007**

**MEMORANDUM DECISION - NOT FOR PUBLICATION**

**BAKER, Chief Judge**

Appellant-petitioner Julie A. King Farley appeals appellee Review Board of the

Indiana Department of Workforce Development's (the Board) dismissal of her appeal of the Administrative Law Judge's (ALJ) decision suspending her unemployment insurance benefits. The ALJ rendered its decision on September 26, 2006, and the decision includes the following language in its first paragraph: "This decision will become final unless the party receiving the adverse Decision appeals to the Review Board within eighteen (18) calendar days after the mailing date of this decision. The appeal must be in writing and signed by the appealing party." Appellant's App. p. 4. The paragraph goes on to state the required contents of the appeal and the address to which it must be mailed.

Pursuant to the eighteen-day requirement, Farley's appeal of the ALJ's decision was due on October 23, 2006.<sup>1</sup> Farley, however, did not file her notice of appeal until November 17, 2006, which was twenty-five days late. The Board, therefore, dismissed Farley's appeal as untimely and did not reach the merits of her claims. She now appeals.

Pursuant to relevant statutes, a party planning to file an administrative appeal of an ALJ's decision must do so within eighteen days after the decision is mailed. Ind. Code §§ 22-4-17-3, -14. This court has "strictly construed IC § 22-4-17-3 to require dismissal for lack of jurisdiction where an appeal has not been timely filed," further finding that a failure to timely comply with relevant statutory requirements "prevented the Review Board from acquiring jurisdiction to review the ALJ's ruling." Szymanski v. Review Board, 656 N.E.2d 290, 293 (Ind. Ct. App. 1995). The only basis for Farley's argument that the Board should

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<sup>1</sup> Eighteen days from the day on which the decision was mailed, October 3, 2006, was Saturday, October 21, 2006. Because the final day of the timeframe was a weekend day, Farley had until Monday, October 23, 2006, to file her appeal.

have considered the merits of her appeal is an assertion that her attorney somehow caused her to miss the deadline. But she offers no authority to support an argument that the Board is somehow vested with jurisdiction—when it otherwise would not be—to hear an untimely appeal because of an attorney error. We can only conclude, therefore, that the Board properly dismissed Farley’s untimely appeal of the ALJ’s decision.

The judgment of the Board is affirmed.

MAY, J., and CRONE, J., concur.