

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A21-0389**

Melodie Helquist,
Relator,

vs.

ISD 709 Duluth Public Schools,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed November 1, 2021
Affirmed
Bjorkman, Judge**

Department of Employment and Economic Development

Melodie Helquist, Proctor, Minnesota (pro se relator)

Independent School District 709, c/o Talx UCM Services, Inc., St. Louis, Missouri
(respondent employer)

Keri A. Phillips, Anne B. Froelich, Minnesota Department of Employment and Economic
Development, St. Paul, Minnesota (for respondent department)

Considered and decided by Smith, Tracy M., Presiding Judge; Segal, Chief Judge;
and Bjorkman, Judge.

NONPRECEDENTIAL OPINION

BJORKMAN, Judge

Relator appealed respondent Minnesota Department of Employment and Economic Development's (DEED) decision that she was not entitled to receive unemployment benefits. Following a hearing, an unemployment-law judge (ULJ) upheld the ineligibility determination. Relator requested reconsideration, but the ULJ dismissed her request as untimely. We affirm.

FACTS

Relator Melodie Helquist is a special-education paraprofessional. She applied for unemployment benefits at the end of the spring 2020 academic term. DEED determined she was ineligible for benefits because she had a reasonable assurance of employment for the next academic term. *See* Minn. Stat. § 268.085, subd. 7 (2020). Helquist appealed and the ULJ affirmed the ineligibility determination. The written decision notified Helquist that she had 20 days to request reconsideration, specifically stating that the request must be submitted on or before December 29, 2020.

Helquist submitted a reconsideration request on January 14, 2021—16 days late. She argued that the ULJ erred by denying her claim for benefits. And she stated that her request was late because she forgot her password and was unable to access DEED's website until she received a new password by U.S. mail. The ULJ dismissed Helquist's reconsideration request without reaching the merits because it was untimely. Helquist appeals to this court by writ of certiorari.

DECISION

A ULJ’s decision is final unless a party requests reconsideration within 20 calendar days. Minn. Stat. § 268.105, subs. 1a(a), 2(a) (2020). This timeline is “absolute” and a ULJ lacks jurisdiction to consider an untimely request. *In re Murack*, 957 N.W.2d 124, 127 (Minn. App. 2021).¹ When a ULJ dismisses an appeal as untimely, the only question before this court is whether the ULJ erred in doing so; we do not consider the merits of the appeal. *Christgau v. Fine*, 27 N.W.2d 193, 199 (Minn. 1947). We review a ULJ’s dismissal of a reconsideration request as untimely de novo. *Murack*, 957 N.W.2d at 127.

Helquist’s brief does not identify as an issue or address the ULJ’s determination that her reconsideration request was untimely. Rather, Helquist repeats her substantive argument that she was entitled to unemployment benefits during the relevant time period. Informal briefs like Helquist submitted must state the party’s arguments on appeal. Minn. R. Civ. App. P. 128.01. Even when a party identifies and presents an argument on an issue, we will not consider the argument if it is not adequately briefed. *State, Dep’t of Labor & Indus. v. Wintz Parcel Drivers, Inc.*, 558 N.W.2d 480, 480 (Minn. 1997); *Schoepke v. Alexander Smith & Sons Carpet Co.*, 187 N.W.2d 133, 135 (Minn. 1971) (“An assignment

¹ Between March 16, 2020, and July 1, 2021, Emergency Executive Order 20-05 allowed ULJs to consider otherwise untimely requests for reconsideration if the relator substantially complied with the statutory deadline. See Emerg. Exec. Order No. 20-05, *Providing Immediate Relief to Employers and Unemployed Workers During the COVID-19 Peacetime Emergency* (Mar. 16, 2020) (suspending “strict compliance” with “Minnesota Statutes 2019, Chapter 268”); *Murack*, 957 N.W.2d at 130 (interpreting the suspension of “strict compliance” to require “substantial compliance”); see also 2021 Minn. Laws 1st Spec. Sess. ch. 12, art. 2, § 23, at 39 (terminating the COVID-19 “peacetime emergency declared by Executive Order 20-01” effective July 1, 2021 at 11:59 p.m.). Helquist does not make a substantial-compliance argument on appeal.

of error based on mere assertion and not supported by any argument or authorities in appellant’s brief is waived and will not be considered on appeal unless prejudicial error is obvious on mere inspection.”). Because Helquist neither identified nor presented any argument on the only issue before us—the timeliness of her request for reconsideration—we affirm.

Affirmed.