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Minn. Stat. § 480A.08, subd. 3 (2010).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A11-2234**

Donald Posthumus,
Relator,

vs.

Department of Employment and Economic Development,
Respondent.

**Filed June 11, 2012
Affirmed
Bjorkman, Judge**

Department of Employment and Economic Development
File No. 28093640-3

Donald Posthumus, Inver Grove Heights, Minnesota (pro se relator)

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

Considered and decided by Worke, Presiding Judge; Halbrooks, Judge; and
Bjorkman, Judge.

UNPUBLISHED OPINION

BJORKMAN, Judge

Relator appeals the unemployment-law judge's dismissal of his untimely appeal of
an ineligibility determination. We affirm.

FACTS

Relator Donald Posthumus applied for unemployment benefits in June 2011. On July 18, 2011, respondent Minnesota Department of Employment and Economic Development (DEED) mailed Posthumus a “Determination of Ineligibility,” explaining that his unemployment benefits would be reduced by the amount of 50% of his social security benefits. The letter also stated that the determination would become final unless an appeal was filed by August 8, 2011.

Believing that he was ineligible for social security benefits, Posthumus called a DEED clerk, who allegedly told him that they would resume in September 2011. In September, he learned that he would not be eligible to receive social security benefits until December 2011. Posthumus appealed DEED’s unemployment-benefits determination on October 3, 2011. The unemployment-law judge (ULJ) dismissed the appeal as untimely. Upon a request for reconsideration, the ULJ affirmed the dismissal. This certiorari appeal follows.

DECISION

A determination of ineligibility for unemployment benefits is final unless the applicant files an appeal “within 20 calendar days” after the notice is mailed. Minn. Stat. § 268.101, subd. 2(f) (2010). The time to appeal is absolute, with no exceptions for mitigating circumstances. *Kennedy v. Am. Paper Recycling Corp.*, 714 N.W.2d 738, 739-40 (Minn. App. 2006). An untimely appeal of an ineligibility determination must be dismissed for lack of jurisdiction. *Id.* at 740. Dismissal of an appeal as untimely presents a question of law, which we review de novo. *Id.* at 739.

Posthumus's appeal period expired on August 8, 2011. Although Posthumus argues that he was unaware of the need to appeal until after the deadline had passed because he relied on misinformation from a DEED clerk, he admits that he filed his appeal after the deadline had passed. Because the law provides no authority to alter the statutory appeal period, we conclude that the ULJ properly dismissed Posthumus's appeal as untimely.

Affirmed.