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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A12-1363**

Sharita McDonald,
Relator,

vs.

Quality Pork Processors, Inc. of Texas,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed April 1, 2013
Affirmed
Ross, Judge**

Department of Employment and Economic Development
File No. 29421263-3

Sharita McDonald, Rochester, Minnesota (pro se relator)

Quality Pork Processors, Inc. of Texas, Austin, Minnesota (respondent employer)

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

Considered and decided by Peterson, Presiding Judge; Ross, Judge; and Chutich,
Judge.

UNPUBLISHED OPINION

ROSS, Judge

Relator Sharita McDonald argues that the unemployment law judge (ULJ) erred by dismissing her appeal, which was submitted 36 days after the Minnesota Department of Employment and Economic Development's initial determination of ineligibility for unemployment benefits. Because the statutory period for administrative appeals is only 20 days and allows for no exceptions, we affirm.

FACTS

During the week beginning on January 1, 2012, Quality Pork Processors discharged relator Sharita McDonald because of absences and tardiness. McDonald filed for unemployment benefits with the department of employment and economic development. On March 21, 2012, the department mailed McDonald a letter stating its determination of her ineligibility after it decided that she was discharged for employment misconduct. The letter provided that “[t]his determination will become final unless an appeal is filed by Tuesday, April 10, 2012.” McDonald did not submit an administrative appeal until April 26, 2012.

An unemployment law judge (ULJ) dismissed McDonald's appeal as untimely because McDonald had failed to file her appeal within the 20-day time period required by law. McDonald requested reconsideration, arguing that she had been out of town caring for an ill parent so that she did not receive the notice until she returned. The ULJ affirmed the order dismissing the appeal.

This certiorari appeal follows.

DECISION

We review de novo an agency decision to dismiss an appeal as untimely. *Kennedy v. Am. Paper Recycling Corp.*, 714 N.W.2d 738, 739 (Minn. App. 2006). If an applicant for unemployment benefits fails to appeal an ineligibility determination within 20 days after the department sends it, the determination becomes final. Minn. Stat. § 268.101, subd. 2(f) (2010). The time to appeal is absolute, allowing for no exceptions for mitigating circumstances. *Kennedy*, 714 N.W.2d at 739–40. This strict rule bars even an appeal filed only one day late. *Jackson v. Minnesota Dep't of Manpower Servs.*, 296 Minn. 500, 501, 207 N.W.2d 62, 63 (1973). And the court has no authority to extend the deadline. *Terealt v. Palmer*, 413 N.W.2d 283, 286 (Minn. App. 1987), *review denied* (Minn. Dec. 18, 1987).

It is not disputed that McDonald failed to appeal her ineligibility determination within the statutory 20-day period. The department sent McDonald the determination of ineligibility on March 21, 2012, and McDonald did not appeal until April 26. We may assume, as McDonald argues, that she missed the administrative-appeal deadline because she was away from her mailbox, caring for her sick mother. We may also assume, as she asserts, that she was tardy for work only because of key-card and car trouble. But the ULJ cannot bend the deadline, and neither can we; it is unforgiving and holds no exceptions. The ULJ did not err by denying McDonald's request for reconsideration and dismissing her appeal.

Affirmed.