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may not be cited except as provided by
Minn. Stat. § 480A.08, subd. 3 (2012).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A12-1685**

John H. Saulsberry,
Relator,

vs.

St. Mary's University of Minnesota,
Respondent,

Minneapolis Special School District #001,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed May 13, 2013
Affirmed
Schellhas, Judge**

Department of Employment and Economic Development
File No. 29714679-3

John H. Saulsberry, Minneapolis, Minnesota (pro se relator)

St. Mary's University of Minnesota, Winona, Minnesota (respondent)

Minneapolis Special School District #001, St. Louis, Missouri (respondent)

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

Considered and decided by Johnson, Chief Judge; Schellhas, Judge; and Hooten,
Judge.

UNPUBLISHED OPINION

SCHELLHAS, Judge

Relator challenges the dismissal of his appeal of his unemployment-benefits-ineligibility determination. We affirm.

FACTS

Relator John Saulsberry applied for unemployment benefits and established a benefits account effective November 6, 2011. Respondent Minnesota Department of Employment and Economic Development (DEED) mailed to Saulsberry on May 18, 2012, an ineligibility determination. The determination states that Saulsberry's employer was respondent St. Mary's University of Minnesota. The determination, entitled "Determination of Ineligibility," informed Saulsberry that he had "reasonable assurance of employment with educational institution(s), or with an employer that will contract the applicant's services to a school, for the next academic year or term," and that "[t]he total of that employment is not substantially less favorable than the applicant's total employment with educational institution(s) during the prior academic year or term." The determination also informed Saulsberry how to appeal the determination by mail, by fax, or online and that "[t]his determination will become final unless an appeal is filed by Thursday, June 7, 2012." Despite the deadline of June 7, 2012, Saulsberry filed his appeal online on June 19, 2012, arguing that the university did not have a "summer break" during his employment with the university and that he was unable to file a timely appeal due to "a glick [sic] in the unemployment systems" that prevented him from signing into his account.

An unemployment-law judge (ULJ) dismissed Saulsberry's appeal on June 20, 2012, because it was untimely and noted that the ULJ had "no legal authority to hear and consider the appeal." Saulsberry requested reconsideration, arguing that he "did not understand" the ineligibility determination, technical problems with his account prevented him from obtaining "clarification," and his account was not fixed until the appeal deadline had passed. The ULJ affirmed the decision on August 22, 2012, reasoning in part that, "[a]lthough the evidence shows that Saulsberry was unable to log in to his account from June 1, 2012 to June 4, 2012, nothing prevented him from calling [DEED] if he had questions about the determination or how to file an appeal during this period." The ULJ further reasoned that nothing prevented Saulsberry from filing an online appeal "prior to June 1, 2012 when the problems with his account first began"; filing an online appeal "after his password was reassigned on June 4, 2012"; or filing an appeal "via fax or mail from June 1 to June 4."

This certiorari appeal follows.

D E C I S I O N

Saulsberry argues that, due to "technical problems," he was unable to use DEED's website, call DEED, or obtain information regarding his ineligibility determination, which he "did not understand" and "would have appealed had [he] understood its effects on [his] benefits." He argues that, consequently, the ULJ erred by dismissing his untimely appeal. We disagree.

The ULJ concluded that he had "no legal authority to hear and consider [Saulsberry's] appeal." An appellate court reviews *de novo* as a question of law

jurisdictional issues. *Harms v. Oak Meadows*, 619 N.W.2d 201, 202 (Minn. 2000). This court may reverse or modify a ULJ’s decision when the relator’s “substantial rights” were prejudiced for reasons including the ULJ rendering a decision “affected by . . . error of law.” Minn. Stat. § 268.105, subd. 7(d)(4) (2012).

Under Minn. Stat. § 268.101, subd. 2(f) (2012),¹ an ineligibility determination “is final unless an appeal is filed by the applicant . . . within 20 calendar days after sending.” “That 20-day deadline is absolute and unambiguous, and a ULJ must dismiss an untimely appeal from an eligibility determination for lack of jurisdiction.” *Kangas v. Indus. Welders & Machinists, Inc.*, 814 N.W.2d 97, 100 (Minn. App. 2012) (quotation omitted).

No exceptions exist for the 20-day appeal deadline. *See* Minn. Stat. § 268.101, subd. 2(f) (including no exceptions); *Semanko v. Dep’t of Emp’t Servs.*, 309 Minn. 425, 426, 428–30, 244 N.W.2d 663, 664–66 (1976) (rejecting claimant’s argument that “good cause” excused untimeliness of appeal from denial of compensation benefits, noting that earlier version of time limit under section 268.101, subdivision 2(f), “is absolute and unambiguous”); *Kennedy v. Am. Paper Recycling Corp.*, 714 N.W.2d 738, 739–40 (Minn. App. 2006) (concluding that ULJ “properly dismissed relator’s appeal as untimely,” noting that “there are no statutory provisions for extensions or exceptions to the appeal period”).

We conclude that the ULJ did not err by dismissing Saulsberry’s untimely appeal.

Affirmed.

¹ We apply the 2012 version of this statute based on “[t]he general rule . . . that appellate courts apply the law as it exists at the time they rule on a case.” *Interstate Power Co., Inc. v. Nobles Cnty. Bd. of Comm’rs*, 617 N.W.2d 566, 575 (Minn. 2000).