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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A12-0417**

Mark Murray,
Relator,

vs.

Process Displays Co.,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed November 13, 2012
Affirmed
Kalitowski, Judge**

Department of Employment and Economic Development
File No. 28580131-3

Mark L. Murray, Edina, Minnesota (pro se relator)

Process Displays Co., Edina, Minnesota (respondent)

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

Considered and decided by Hudson, Presiding Judge; Kalitowski, Judge; and
Halbrooks, Judge.

UNPUBLISHED OPINION

KALITOWSKI, Judge

Relator Mark Murray challenges the unemployment-law judge's (ULJ) dismissal of his appeal of an ineligibility determination as untimely. We affirm.

DECISION

“An agency decision to dismiss an appeal as untimely is a question of law, which we review de novo.” *Kennedy v. Am. Paper Recycling Corp.*, 714 N.W.2d 738, 739 (Minn. App. 2006).

If an applicant for unemployment-compensation benefits fails to appeal an ineligibility determination within 20 days after the Minnesota Department of Employment and Economic Development (DEED) sends it, the determination becomes final. Minn. Stat. § 268.101, subd. 2(f) (2010). This deadline is absolute—no statutory provision extends the appeal period. *Kennedy*, 714 N.W.2d at 739-40. “When an appeal from a disqualification determination is untimely, it must be dismissed for lack of jurisdiction.” *Id.* at 740.

Here, neither party disputes that Murray failed to appeal the ineligibility determination within the 20-day statutory period. After Murray applied for unemployment benefits, DEED issued an ineligibility determination for employee misconduct. And that determination, dated October 12, 2011, stated that DEED's decision would become final unless Murray appealed by November 1, 2011. But Murray did not appeal until December 19, 2011. After the ULJ dismissed Murray's appeal as untimely, Murray filed a timely request for reconsideration, and the ULJ affirmed.

Murray argues that this court should reverse the ULJ's decision, claiming his untimely appeal should be excused because (1) the determination was unknowingly forwarded to his family accountant; (2) he was out of town on a job search; (3) his online account stated, "No messages require action from you at this time"; (4) his employer counseled him to merely reactivate his unemployment benefits account; and (5) he was unaware of the appeal deadline. Murray argues that these reasons constitute "excusable neglect" under Minn. R. Civ. P. 60.02(a), which states that courts may relieve a party from a final judgment for "[m]istake, inadvertence, surprise, or excusable neglect." We disagree.

Notwithstanding Murray's reasons for not filing a timely appeal, the deadline for appealing an ineligibility determination is absolute, and the law provides no extensions or exceptions. *Kennedy*, 714 N.W.2d at 739-40. Once this statutory period expires, courts cannot extend the time for appeal, regardless of mitigating circumstances. *Kenzie v. Dalco Corp.*, 309 Minn. 495, 497, 245 N.W.2d 207, 208 (1976); *see also Semanko v. Dep't of Emp't Serv.*, 309 Minn. 425, 428-30, 244 N.W.2d 663, 665-66 (1976) (holding that a relator cannot show "compelling good cause" for an otherwise untimely appeal). Thus, Murray's reasons for failing to meet the statutory deadline are unavailing.

Moreover, Murray's reliance on Minn. R. Civ. P. 60.02(a) is misplaced. Unemployment-insurance evidentiary hearings and appeals are not governed by "common law or statutory rules of evidence and other technical rules of procedure." Minn. Stat. § 268.105, subd. 1(b) (2010); *see also Plowman v. Copeland, Buhl & Co.*,

261 N.W.2d 581, 584 (Minn. 1977) (stating that administrative hearings differ from trial courts in their degree of adherence to rules). Thus, rule 60.02 is inapplicable.

Affirmed.