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Minn. Stat. § 480A.08, subd. 3 (2008).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A08-1887**

Chad L. Farinacci,
Relator,

vs.

Department of Employment and Economic Development,
Respondent.

**Filed August 25, 2009
Affirmed
Halbrooks, Judge**

Department of Employment and Economic Development
File No. 21115374-3

Chad L. Farinacci, 4562 Kirkwood Circle, Eagan, MN 55123 (pro se relator)

Lee B. Nelson, Minnesota Department of Employment and Economic Development,
E200 First National Bank Building, 332 Minnesota Street, St. Paul, MN 55101 (for
respondent)

Considered and decided by Halbrooks, Presiding Judge; Lansing, Judge; and
Shumaker, Judge.

UNPUBLISHED OPINION

HALBROOKS, Judge

Relator challenges the decision of the unemployment-law judge (ULJ) that he
must repay benefits, arguing that he never received notice of the ineligibility
determination. Because the Department of Employment and Economic Development

(DEED) provided relator with notice of a determination of ineligibility and relator never appealed that determination, the issue of notice is not properly before us. We affirm the ULJ's decision that relator must repay benefits that he was overpaid.

FACTS

Relator Chad L. Farinacci, pro se, was employed by the United States Air Force until December 9, 2007. On December 16, 2007, relator established an unemployment-benefit account with DEED. On January 16, 2008, DEED sent relator a determination of ineligibility based on his statement in his initial unemployment questionnaire that he was not willing to quit school to accept suitable employment. Relator never appealed the determination of his ineligibility.

Despite the determination of ineligibility, relator received unemployment benefits totaling \$5,850 through April 27, 2008. On August 5, 2008, DEED sent notice to relator that he had been overpaid \$5,850 in benefits. Relator appealed. Following a hearing, the ULJ determined that relator had received \$5,850 in overpaid benefits and ordered him to repay that amount. Relator sought reconsideration of the decision on the ground that he should not have to repay the benefit overpayments because he never received the notice of ineligibility. The ULJ affirmed his decision. This appeal follows.

DECISION

Relator contends that he should not have to repay the \$5,850 in benefit overpayments because he never received notice of his ineligibility. Findings of fact "are to be viewed in the light most favorable to the decision and will not be disturbed if there is evidence which reasonably tends to support them." *Smith v. Masterson Personnel*,

Inc., 483 N.W.2d 111, 112 (Minn. App. 1992). But “questions of law are subject to de novo review.” *Id.*

“A determination of eligibility or . . . ineligibility is final unless an appeal is filed by the applicant or notified employer within 20 calendar days after sending” a determination of ineligibility. Minn. Stat. § 268.101, subd. 2(f) (Supp. 2007). We have repeatedly held that the appeal period may not be extended or altered. *See Smith*, 483 N.W.2d at 112.

Here, the record supports the ULJ’s finding that DEED sent relator notice of his ineligibility on January 16, 2008. Relator never appealed that decision. Accordingly, the determination of ineligibility became final on February 5, 2008. Because relator never appealed the ineligibility determination, the only issue before us is the ULJ’s decision that relator must repay the benefits he received after he was determined to be ineligible.

Relator argues that he never received notice of ineligibility. But Minnesota law only requires that DEED send a determination of ineligibility; it does not require that relator receive the determination. *See Minn. Stat. § 268.101, subd. 2(a)* (Supp. 2007). And relator does not contest the ULJ’s finding that a notice of ineligibility was mailed to relator’s correct address. The ULJ properly concluded that relator received \$5,850 in benefit overpayments that he must repay.

Affirmed.