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

**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A10-1320**

Robbin Forte,  
Relator,

vs.

Allina Health System,  
Respondent,  
Department of Employment and Economic Development,  
Respondent.

**Filed February 15, 2011  
Affirmed  
Stauber, Judge**

Department of Employment and Economic Development  
File No. 24830589-3

Robbin Forte, Rosemount, Minnesota (pro se relator)

Allina Health System, Minneapolis, Minnesota (respondent employer)

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

Considered and decided by Johnson, Chief Judge; Stauber, Judge; and  
Crippen, Judge.\*

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\* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to  
Minn. Const. art. VI, § 10.

## UNPUBLISHED OPINION

**STAUBER**, Judge

Relator Robbin Forte challenges the dismissal of her appeal from the decision of respondent Department of Employment and Economic Development (DEED) because it was not timely filed. Because the unemployment law judge (ULJ) correctly concluded that he had no jurisdiction over the appeal, we affirm.

### FACTS

On April 1, 2010, DEED notified relator that, because she had been terminated for misconduct, she was ineligible for unemployment benefits. The notice stated that it would “become final unless an appeal is filed by Wednesday, April 21, 2010.” On April 19, 2010, relator logged on to her account and began the online appeal process. Relator entered the requested information and was given a possible hearing date and time of May 5 at 9:30 a.m. The screen then directed her: “You must select confirm to file your appeal.” The last screen in the process ended with two possible choices: “previous” and “confirm.” Relator did not select “confirm,” and her appeal was not filed. When no one telephoned her on May 5th at 9:30 a.m., relator called DEED and was informed that she had not filed an appeal.

Relator correctly filed an appeal on May 11, 2010. The ULJ decided that he had “no legal authority to hear and consider the appeal, the Determination of [relator’s] Ineligibility having become final by operation of law.” Relator requested reconsideration; the ULJ affirmed his previous decision.

## DECISION

The ULJ's decision is mandated by statutory and case law. *See* Minn. Stat. § 268.101, subd. 2(f) (Supp. 2009) (providing that DEED determination is final unless appeal is filed within 20 days); *see also Semanko v. Dep't of Employment Servs.*, 309 Minn.. 425, 430, 244 N.W.2d 663, 666 (Minn. 1976) (appeal period is "absolute"); *King v. Univ. of Minn.*, 387 N.W.2d 675, 677 (Minn. App. 1986) (time periods must be strictly construed regardless of mitigating circumstances), *review denied* (Minn. Aug. 13, 1986); *Cole v. Holiday Inns, Inc.*, 347 N.W.2d 72, 73 (Minn. App. 1984) (no exceptions to statutory time period for appeal). There was no error in the ULJ's dismissal of relator's appeal.

Relator argues that she "filed [her] appeal in a timely manner" but "did not confirm [it.]" But relator had been clearly told that she had to select "confirm" in order to file the appeal. Like the ULJ, we have no authority to alter the statutory appeal period. We affirm the ULJ's decision.

**Affirmed.**