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

**STATE OF MINNESOTA  
IN COURT OF APPEALS**

**A13-1154**

**A13-1156**

Carrie Klosowski,  
Relator,

vs.

LTF Club Management Company LLC - Life Time Fitness,  
Respondent,

Department of Employment and Economic Development,  
Respondent.

**Filed December 9, 2013**

**Affirmed**

**Connolly, Judge**

Department of Employment and Economic Development  
File No. 30961596-3

Carrie A. Klosowski, Blaine, Minnesota (pro se relator)

LTF Club Management Company LLC, Life Time Fitness, c/o Barnette Associates, Inc.,  
Garden City, New York (respondent)

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

Considered and decided by Worke, Presiding Judge; Kalitowski, Judge; and  
Connolly, Judge.

## UNPUBLISHED OPINION

CONNOLLY, Judge

In this pro se challenge to the dismissal of two untimely appeals of Minnesota Department of Employment and Economic Development (DEED) determinations, relator argues that, because mitigating factors explain her untimeliness, the appeals should be heard on the merits. We affirm.

### FACTS

Relator Carrie Klosowski began receiving partial unemployment benefits in early 2012. On March 8, 2013, DEED mailed relator two determinations of ineligibility. Each determination letter covered a separate period of time during which relator had underreported her earnings and received overpayments of unemployment benefits which she would have to repay. The letters reported combined overpayments of \$7,088. In accordance with Minn. Stat. § 268.215(a) (2012), each letter stated, “[t]his determination will become final unless an appeal is filed by Thursday, March 28, 2013.”

On April 12, 2013, relator filed an online appeal of each determination and explained that the appeals were filed late because she “needed more than the allotted time to gather information and sort out the confusion that came with the two separate letters.” The unemployment-law judge (ULJ) dismissed each appeal as untimely. Relator filed requests for reconsideration. The ULJ issued orders affirming the dismissals on the ground of untimeliness.

## DECISION

A ULJ's determination of ineligibility becomes final if an appeal is not filed within 20 days after the determination letter is sent. Minn. Stat. § 268.101, subd. 2(f) (2012). Any untimely appeal from a determination of ineligibility "must be dismissed for lack of jurisdiction." *Stassen v. Lone Mountain Truck Leasing, LLC*, 814 N.W.2d 25, 29 (Minn. App. 2012).

It is not disputed that relator did not file her appeals until after the 20-day deadline had passed. Relator argues, however, that her confusion over the two different determination letters and the difficulty of obtaining necessary documentation from her employer are mitigating factors and, therefore, this court should look past her tardiness and reach the merits of her case.<sup>1</sup> We disagree.

"[S]tatutes designating the time for appeal from decisions of all levels of [DEED] should be strictly construed, regardless of mitigating circumstances." *King v. Univ. of Minn.*, 387 N.W.2d 675, 677 (Minn. App. 1986), *review denied* (Minn. Aug. 13, 1986); *see also Semanko v. Dep't of Emp't Servs.*, 309 Minn. 425, 430, 244 N.W.2d 663, 666 (1976) (affirming the dismissal of an appeal filed one day after the deadline and holding that the time period for appeal is "absolute and unambiguous"); *Baldinger Baking Co. v. Stepan*, 354 N.W.2d 569, 571 (Minn. App. 1984) ("Lack of a timely appeal requires

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<sup>1</sup> This court need not consider the merits of relator's appeal because the only issue raised on appeal is jurisdictional. *Christgau v. Fine*, 223 Minn. 452, 463, 27 N.W.2d 193, 199 (1947) (holding that, when the only issue on appeal is one of jurisdiction, the court "should not pass on the merits, because it is the function of the director [of DEED] to pass on the matter in the first instance").

dismissal of the appeal for lack of jurisdiction regardless of alleged mitigating circumstances.”), *review denied* (Minn. Dec. 20, 1984). Consequently, neither this court nor the ULJ may consider relator’s explanations for the untimeliness of her appeals.

Because relator’s appeals were filed after the statutory deadlines, and because the statutory language is absolute and unambiguous, the ULJ did not err in dismissing the appeals for lack of jurisdiction.

**Affirmed.**