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Minn. Stat. § 480A.08, subd. 3 (2006).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A07-1751**

Richard F. Kpasie,
Relator,

vs.

Minnesota Veterans Homes,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed July 22, 2008
Affirmed
Schellhas, Judge**

Department of Employment and Economic Development
File No. 9590 07

Richard F. Kpasie, 3641 Lancaster Lane North, Apt 100, Plymouth, MN 55441 (pro se relator)

Minnesota Veterans Homes, Board of Directors, Attn: Human Resources, 5101 Minnehaha Avenue South, Minneapolis, MN 55417-1647 (respondent)

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

Considered and decided by Hudson, Presiding Judge; Shumaker, Judge; and Schellhas, Judge.

UNPUBLISHED OPINION

SCHELLHAS, Judge

In this certiorari appeal, relator challenges the decision of the unemployment-law judge (ULJ) that he lacked jurisdiction to hear relator's appeal because it was untimely filed. Because the ULJ's decision was correct, we affirm.

FACTS

Respondent Department of Employment and Economic Development (DEED) determined that relator Richard F. Kpasie was disqualified from the receipt of unemployment benefits because he was discharged for misconduct. The department sent the disqualification determination to relator on April 30, 2007, and relator filed an appeal of the determination by email on June 27, 2007. On July 9, 2007, a ULJ filed an order concluding that the initial disqualification determination became final because relator did not file an appeal within 30 calendar days from the date DEED's determination was mailed. The ULJ concluded that because the appeal was untimely filed, the ULJ had no authority to hear and consider relator's appeal. On July 11, 2007, relator requested reconsideration, and the ULJ affirmed his decision. This certiorari appeal follows.

Relator argues that he was unjustly terminated from employment with the Minnesota Veterans Homes; he did not receive his mail; and despite his late filing of his appeal of DEED's determination, he should be given the opportunity to dispute the allegations made by the veterans home.

DECISION

This court may affirm, remand, reverse, or modify the decision of a ULJ if the substantial rights of the litigant may have been prejudiced because the findings, conclusion, or decision are affected by an error of law or unsupported by substantial evidence. Minn. Stat. § 268.105, subd. 7(d) (2006); *Ywswf v. Teleplan Wireless Servs., Inc.*, 726 N.W.2d 525, 529 (Minn. App. 2007). “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).

No dispute exists about the relator’s untimely filing of his appeal of DEED’s determination. An appeal of a determination of disqualification must be filed within 30 calendar days after DEED sends the determination. Minn. Stat. § 268.101, subd. 2(e) (2006).¹ Relator filed his appeal nearly 60 days after DEED sent its determination by mail.

Because relator’s appeal was untimely filed, the ULJ had no jurisdiction to hear the appeal. Under the statute, a determination not appealed within 30 days becomes final. *Id.* The letter of the law must be followed in applying clear and unambiguous statutory time limits for appeal. *Harms v. Oak Meadows*, 619 N.W.2d 201, 203 (Minn. 2000) (considering 30-day time limit for certiorari appeal in reemployment benefits case and citing Minn. Stat. § 645.16 (1998), which states “the letter of the law shall not be disregarded under the pretext of pursuing the spirit”). “When an appeal from a

¹ This statute was modified in 2007; the new version of section 268.101 states the time limit for appeal in subdivision 2(f), and modifies the time limit from 30 to 20 days. Minn. Stat. § 268.101, subd. 2(f) (Supp. 2007). The 2006 version applies to this appeal.

disqualification determination is untimely, it must be dismissed for lack of jurisdiction.”

Kennedy, 714 N.W.2d at 740. The ULJ correctly concluded that he lacked jurisdiction.

Without jurisdiction, the ULJ had no authority to hear the appeal.

Affirmed.