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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A08-2260**

Elsie Woods,
Appellant,

vs.

Hennepin County Child Care Assistance,
Respondent,
Commissioner of Human Services,
Respondent.

**Filed September 8, 2009
Affirmed
Stauber, Judge**

Hennepin County District Court
File No. 27CV0816640

Elsie Woods, Apt. 307, 6200 78th Avenue North, Brooklyn Park, MN 55443 (pro se appellant)

Michael O. Freeman, Hennepin County Attorney, Kim Mammedaty, Assistant County Attorney, C-2000 Government Center, Minneapolis, MN 55487 (for respondent Hennepin County Child Care Assistance)

Lori Swanson, Attorney General, Patricia A. Sonnenberg, Assistant Attorney General, Suite 900, Bremer Tower, 445 Minnesota Street, St. Paul, MN 55101-2127 (for respondent Commissioner of Human Services)

Considered and decided by Klaphake, Presiding Judge; Stauber, Judge; and Harten, Judge.*

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

UNPUBLISHED OPINION

STAUBER, Judge

On appeal from the district court order dismissing appellant's challenge to an order of the Department of Human Services affirming the termination of her childcare assistance, appellant argues that the district court erred in concluding that it lacked subject-matter jurisdiction over appellant's motion for judicial review. Because appellant's appeal to the district court was untimely, we affirm.

FACTS

In January 2008, respondent Hennepin County Child Care Assistance (county) notified appellant Elsie Woods that she had received overpayment of child0-care assistance and that her child-care assistance terminated effective January 22, 2008. Appellant challenged the county's determination, and, following a hearing, respondent commissioner of human services (commissioner) issued an order affirming the decision to terminate appellant's child-care assistance and the county's determination that appellant received an overpayment of assistance.

Appellant sought reconsideration of the commissioner's order, and the commissioner notified appellant of its affirmance by letter dated June 4, 2008. The commissioner further explained that, pursuant to Minn. Stat. § 256.045, subd. 7 (2008), appellant had 30 days from the date of the letter to appeal the commissioner's decision to the district court. On July 2, 2008, appellant filed a notice of appeal, summons, complaint, and certificate of representation with the district court. Appellant then personally served these documents on the commissioner on July 8, 2008, and on the

county on July 9, 2008. Shortly thereafter, the district court denied appellant's request for judicial review, determining that the 30-day period for service of an appeal expired on July 7, 2008. The court held that because appellant failed to timely serve the commissioner and the county, the court lacked jurisdiction to hear appellant's appeal. This appeal followed.

DECISION

"The failure of an aggrieved party to commence an appeal of a state agency decision within the time limits in the statute governing such appeals properly results in dismissal for lack of jurisdiction." *D.F.C. v. State, Comm'r of Health*, 693 N.W.2d 451, 453 (Minn. App. 2005). Questions of subject-matter jurisdiction are reviewed de novo. *Johnson v. Murray*, 648 N.W.2d 664, 670 (Minn. 2002).

Minn. Stat. § 256.045, subd. 7 (2008), which sets forth the procedure for appealing an adverse decision by the commissioner of human services, provides that

any party who is aggrieved by an order of the commissioner of human services . . . may appeal the order to the district court . . . by serving a written copy of a notice of appeal upon the commissioner and any adverse party of record *within 30 days after the date the commissioner issued the order, the amended order, or order affirming the original order*, and by filing the original notice and the proof of service with the court administrator of the district court. Service may be made personally or by mail; service by mail is complete upon mailing

(Emphasis added.)

Here, the letter affirming the commissioner's decision was dated June 4, 2008. The letter specifically stated that pursuant to Minn. Stat. § 256.045, subd. 7, appellant had

“30 days of this letter’s date” to appeal the decision; 30 days from June 4, 2008, was July 4, 2008. After allowing for the three additional days required by Minn. R. Civ. P. 6.05, the time to perfect appellant’s appeal expired on July 7, 2008. *See Reynolds v. Minn. Dep’t of Human Servs*, 737 N.W.2d 367, 372 (Minn. App. 2007) (holding that Minn. R. Civ. P. 6.05 operated to extend by three days the prescribed 30-day period for claimant to appeal from the commissioner’s decision when the decision was issued by mail). It is undisputed that appellant personally served the commissioner on July 8, 2008, and the county on July 9, 2008. Therefore, appellant failed to timely serve respondents within the mandatory 30-day time-period.

Appellant appears to argue that the district court erred in denying her motion for judicial review because she provided evidence demonstrating that she (1) filed the appropriate documentation with Hennepin County in a timely fashion to allow her to continue her child-care assistance and (2) was not overpaid for child-care assistance. But the time limitation on an appeal is mandatory and jurisdictional, leaving no room for extension. *See Kearns v. Julette Originals Dress Co.*, 267 Minn. 278, 282, 126 N.W.2d 266, 269 (1964) (stating that the 30-day period for service of appeal is strictly construed). Therefore, the district court had no jurisdiction to hear appellant’s appeal, and appellant’s request for judicial review was properly denied.

Affirmed.