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

**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A09-1089**

Salwa Khouri,  
Relator,

vs.

U.S. Department of Justice/Federal Prison System,  
Respondent,

Department of Employment and Economic Development,  
Respondent.

**Filed February 2, 2010  
Affirmed  
Huspeni, Judge\***

Department of Employment and Economic Development  
File No. 21031668-4

Salwa Khouri, Burnsville, Minnesota (pro se relator)

U.S. Department of Justice/Federal Prison System, St. Louis, Missouri (respondent employer)

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

Considered and decided by Toussaint, Chief Judge; Hudson, Judge; and Huspeni, 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## **UNPUBLISHED OPINION**

**HUSPENI**, Judge

The pro se relator Salwa Khouri challenges the decision of the unemployment law judge (ULJ) that her appeal from the determination that she was ineligible to receive unemployment benefits was untimely and asks this court to consider the reasons for her untimely appeal. Because the time period for an appeal is strictly construed, the ULJ correctly dismissed the appeal as untimely.

### **FACTS**

Relator applied for unemployment benefits and established a benefit account. On July 22, 2008, the Minnesota Department of Employment and Economic Development (DEED) mailed a determination of ineligibility to relator's correct address. The determination explicitly stated that the decision would be final unless an appeal was filed by August 11, 2008, which is the 20-day period allowed for an appeal in the unemployment-benefits law.

In a letter dated February 4, 2009, which the ULJ found was actually filed on March 20, 2009, relator appealed to the ULJ. The ULJ dismissed the appeal as untimely and, after relator filed a request for reconsideration, the ULJ affirmed. This certiorari appeal followed.

### **DECISION**

This court may reverse or modify a ULJ's decision if a petitioner's substantial rights were prejudiced because the ULJ's decision was affected by an error of law. Minn. Stat. § 268.105, subd. 7(d)(4) (2008). “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).

Relator explains that her untimely appeal was attributable to a medical condition from which she suffers. She asks this court to reconsider the ULJ's decision, as well as to address the merits of the ineligibility determination. While we are not insensitive to the unfortunate circumstances with which relator is struggling in her life, the time limitations involved in the issues here are inflexible. "In numerous instances, the courts in this jurisdiction have held that statutes designating the time for appeal from decisions of all levels of the Department 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). Therefore, we are unable to consider the reasons for the untimely appeal and instead must affirm the ULJ's decision dismissing it without reaching the merits.

**Affirmed.**