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Minn. Stat. § 480A.08, subd. 3 (2016).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A17-1204**

Amina Sheikh,
Relator,

vs.

Employment Solutions Management, Inc.,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed April 16, 2018
Affirmed
Ross, Judge**

Department of Employment and Economic Development
File No. 35479591-3

Amina Sheikh, St. Michael, Minnesota (pro se relator)

Employment Solutions Management, Inc., St. Louis, Missouri (pro se respondent
employer)

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

Considered and decided by Peterson, Presiding Judge; Worke, Judge; and Ross,
Judge.

UNPUBLISHED OPINION

ROSS, Judge

Relator Amina Sheikh applied for unemployment benefits, and the department of employment and economic development found her ineligible. Sheikh was notified by written determination on March 31, 2017, that the decision would become final if she did not appeal by April 20, 2017. Sheikh appealed the decision on May 1, 2017, and an unemployment-law judge dismissed the appeal as untimely. Because Sheikh filed her appeal after the statutory deadline of April 20, 2017, her appeal was untimely, and we affirm.

FACTS

Sheikh applied for unemployment benefits on March 5, 2017, after she quit her job with Employment Solutions Management, Inc., a temporary-employment agency. She quit because she could not find a babysitter. The department of employment and economic development (DEED) determined that Sheikh was ineligible for unemployment benefits because she quit her job. That determination was mailed to Sheikh on March 31, 2017, and it included a paragraph entitled “Right of Appeal,” which stated,

This determination will become final unless an appeal is filed by Thursday, April 20, 2017. The ‘filed’ date is the postmark date, if mailed, or the date received by the Unemployment Insurance Program, if sent by fax or internet. The recommended method for filing an appeal is by internet. You can do so by logging in to your account at www.uimn.org/uimn/ and following the prompts. If filing by fax or mail please send this determination, or a photocopy, along with a short statement explaining why you are filing the appeal to the fax number or address listed below.

Sheikh did not appeal that decision until May 1, 2017. She said that she filed late because she had only recently discovered that she could appeal the ineligibility determination. An unemployment-law judge (ULJ) denied the appeal as untimely.

Sheikh appeals by writ of certiorari.

D E C I S I O N

Sheikh argues that the ULJ should have addressed the merits of her appeal despite its untimeliness. Whether an agency properly dismissed an appeal as untimely is a question of law that we review de novo. *Kennedy v. Am. Paper Recycling Corp.*, 714 N.W.2d 738, 739 (Minn. App. 2006). An ineligibility determination is final unless it is appealed within 20 days. Minn. Stat. § 268.101, subd. 2(f) (2016). The statutory deadline is inflexible, affording no extensions or exceptions. *Kennedy*, 714 N.W.2d at 740. Sheikh maintains that we should reverse because she did not know she could appeal the ULJ's ineligibility determination. She explains that she was told by "workforce service [that] they weren't quite sure whether [she] should appeal" and that it "was only later that [she] spoke with unemployment customer services that they clarified . . . [she] needed to appeal." We are not persuaded by Sheikh's factual assertions because the department's ineligibility letter to her conspicuously indicated her right to appeal and provided the deadline. And the inflexibility of the deadline required the ULJ to apply it and reject Sheikh's appeal as a matter of law, regardless of her reasons for delay.

Affirmed.