

STATE OF MINNESOTA
IN COURT OF APPEALS

A23-0977



Charles E. Sledge,
Relator,

vs.

Ruan,
Respondent,
Department of Employment and Economic
Development,
Respondent.

ORDER OPINION

Department of Employment and
Economic Development
File No. 49293513

Considered and decided by Ross, Presiding Judge; Johnson, Judge; and Reyes,
Judge.

BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND BECAUSE:

1. Charles Sledge applied for unemployment benefits and established a benefits account with the Minnesota Department of Employment and Economic Development (DEED) effective on December 25, 2022, after Ruan Transportation Corporation terminated his employment. Sledge received a \$10,786.77 lump-sum retirement payment from his 401(k) account following his termination.

2. DEED initially determined that Sledge is ineligible to receive benefits because the retirement payment should be deducted from his unemployment benefits.

3. Sledge administratively appealed that decision. An unemployment-law judge (ULJ) conducted a hearing and issued an order on March 6, 2023, finding that Sledge is

ineligible for unemployment benefits or is eligible for reduced benefits. The order notified Sledge of a March 27 deadline to request reconsideration of the decision.

4. Sledge missed the deadline by a month, requesting reconsideration on April 27. The ULJ dismissed Sledge’s request as untimely. Sledge challenges that dismissal in this certiorari appeal.

5. This appeal’s scope is limited to the question of whether the ULJ erred by dismissing Sledge’s request for reconsideration as untimely. *See Christgau v. Fine*, 27 N.W.2d 193, 199 (Minn. 1947). That jurisdictional question requires our *de novo* review. *In re Murack*, 957 N.W.2d 124, 127 (Minn. App. 2021).

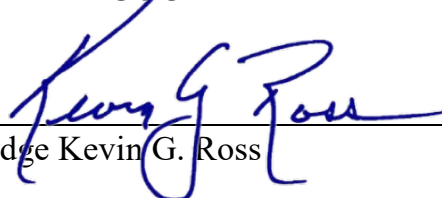
6. An applicant has 20 days to request reconsideration of a ULJ’s decision. Minn. Stat. § 268.105, subds. 1a, 2 (2022). The ULJ must dismiss the request as untimely if the applicant files the request after the deadline. *Id.*, subd. 2(e). Statutory time periods in Minnesota’s unemployment-insurance law are “absolute and unambiguous.” *Semanko v. Dep’t of Emp. Servs.*, 244 N.W.2d 663, 666 (Minn. 1976). Because Sledge missed the deadline, the ULJ appropriately dismissed his request as untimely.

IT IS HEREBY ORDERED:

1. The ULJ’s dismissal of the request for reconsideration is affirmed.
2. Pursuant to Minn. R. Civ. App. P. 136.01, subd. 1(c), this order opinion is nonprecedential, except as law of the case, *res judicata*, or collateral estoppel.

Dated: May 6, 2024

BY THE COURT



Judge Kevin G. Ross