

STATE OF MINNESOTA
IN COURT OF APPEALS

A23-1588



Morgan V. Wayne-Lagarejo,
Relator,

vs.

ORDER OPINION

Wells Fargo Bank, N.A.,
Respondent,

Department of Employment and
Economic Development
File No. 49668969

Department of Employment and Economic
Development,
Respondent.

Considered and decided by Ross, Presiding Judge; Larkin, Judge; and Klaphake,
Judge.*

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

1. Morgan Wayne-Lagarejo applied for an unemployment-benefits account with the Minnesota Department of Employment and Economic Development (DEED) on June 4, 2023, after her employment with Wells Fargo ended in December 2022.

2. DEED determined that Wayne-Lagarejo is ineligible for unemployment benefits on June 22 and notified her of the July 12 administrative-appeal deadline.

3. Wayne-Lagarejo did not file an administrative appeal by the deadline. She instead withdrew her benefits account and filed for a new account effective July 23, and on

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

August 10 she appealed her ineligibility determination. An unemployment-law judge (ULJ) dismissed her appeal as untimely. We decline to reverse that dismissal in this certiorari appeal.

4. An unemployment-benefits eligibility appeal must be filed within 20 days after the decision is mailed. Minn. Stat. § 268.101, subd. 2(f) (2022). The ULJ’s dismissal based on timeliness is a jurisdictional question of law that we review *de novo*. *Kennedy v. Am. Paper Recycling Corp.*, 714 N.W.2d 738, 739 (Minn. App. 2006). Our only question is therefore whether the ULJ erred by dismissing the appeal as untimely. *Christgau v. Fine*, 27 N.W.2d 193, 199 (Minn. 1947).

5. The 20-day appeal period is “absolute and unambiguous.” *Semanko v. Dep’t of Emp. Servs.*, 244 N.W.2d 663, 666 (Minn. 1976). The ULJ must dismiss an untimely appeal for lack of jurisdiction. Minn. Stat. § 268.105, subd. 1a(c) (2022); *Stassen v. Lone Mountain Truck Leasing, LLC*, 814 N.W.2d 25, 29 (Minn. App. 2012).

6. Wayne-Lagarejo argues that, because she withdrew her first benefits account and filed to create one a second time, we should measure the deadline from the second filing and treat her administrative appeal as timely. But withdrawing an account does not void an eligibility decision already made on that account where, as here, the determination was sent before the account withdrawal. Minn. Stat. § 268.07, subd. 3b(c) (2022). Wayne-Lagarejo’s account withdrawal did not affect the prior eligibility determination or restart the appeal period.

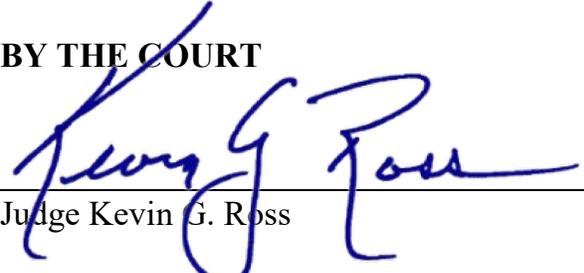
IT IS HEREBY ORDERED:

1. The ULJ’s dismissal of the appeal 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