

*This opinion is nonprecedential except as provided by  
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A24-1583**

Jordan L. Oslund,  
Relator,

vs.

The Paint Genie, Inc.,  
Respondent,

Department of Employment and Economic Development,  
Respondent.

**Filed June 23, 2025  
Affirmed  
Bratvold, Judge**

Department of Employment and Economic Development  
File No. 50509800-3

Jordan L. Oslund, Hugo, Minnesota (pro se relator)

Keri Phillips, Minnesota Department of Employment and Economic Development, St.  
Paul, Minnesota (for respondent department)

The Paint Genie, Inc., Hopkins, Minnesota (respondent employer)

Considered and decided by Bratvold, Presiding Judge; Ross, Judge; and Smith,  
Tracy M., Judge.

**NONPRECEDENTIAL OPINION**

**BRATVOLD**, Judge

Relator challenges the denial of his application for unemployment benefits, arguing  
that the unemployment-law judge (ULJ) erred by determining that his administrative

appeal was untimely. We conclude that relator's administrative appeal was untimely and therefore affirm.

## **FACTS**

Respondent Minnesota Department of Employment and Economic Development (DEED) determined that relator Jordan L. Oslund was ineligible for unemployment benefits, and Oslund filed an administrative appeal. The ULJ dismissed his appeal as untimely, and in response to Oslund's motion for reconsideration, a second ULJ affirmed the dismissal.

The following summarizes the ULJ's factual findings along with portions of the record helpful to understand the issue on appeal.<sup>1</sup>

Oslund applied for unemployment benefits on March 25, 2024, and listed his address in the application.<sup>2</sup> On April 29, 2024, DEED mailed a determination of ineligibility to Oslund at the address listed in his application. The determination stated that it would "become final unless an appeal [was] filed by Monday, May 20, 2024." Oslund filed an appeal on June 20, 2024. Also on June 20, Oslund updated his address in his unemployment account. The ULJ found that, before June 20, Oslund "did not report" that he had moved. The ULJ also found that, "[b]etween April 29, 2024 and May 20, 2024, the

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<sup>1</sup> DEED's addendum includes documents not in the record that DEED transmitted when requested by the Clerk of the Appellate Courts. DEED claims that these documents were inadvertently omitted. We need not consider these documents because they are not necessary to decide the issue on appeal.

<sup>2</sup> The ULJ found that, when an individual applies for unemployment benefits, they receive an unemployment handbook, which instructs them to "[k]eep the address on [their] account up to date for at least four years after [their] last request for a benefit payment."

Department did not receive anything from Oslund which could reasonably be construed as disagreeing with” the benefits determination.

The ULJ concluded that “Oslund did not make a timely appeal” and issued an order on June 21, 2024, dismissing the appeal “as untimely.” The ULJ’s order stated that the “appeal was not filed within the time period required by law” and that, therefore, the ULJ “has no legal authority to hear and consider the appeal.”

Oslund filed a request for reconsideration, stating that he “did not receive” the ineligibility determination “until after May 20th, 2024, as by then [he] had been evicted from [his] townhouse.” A second ULJ determined that “the decision of Friday, June 21, 2024 is factually and legally correct” and affirmed the order dismissing Oslund’s appeal.

Oslund petitioned this court for a writ of certiorari.

### **DECISION**

“The Minnesota Court of Appeals must, by writ of certiorari to the department, review the [ULJ’s] decision on reconsideration,” provided that a certiorari petition is timely filed and served. Minn. Stat. § 268.105, subd. 7(a) (2024). This court “may affirm the decision of the [ULJ] or remand the case for further proceedings; or it may reverse or modify the decision if the substantial rights of the petitioner may have been prejudiced” because the decision is, among other things, affected by legal error or “unsupported by substantial evidence.” *Id.*, subd. 7(d) (2024).

Oslund is self-represented and does not dispute the factual findings on appeal. He argues that we should “reconsider” the ULJ’s decision and “allow [him] to have a trial.” He states that he “did not receive” DEED’s determination of ineligibility. He also explains

that his “lease terminated and [he] had to be out by April 30th one day after” DEED mailed the determination. He adds that he “did not have a new address until June 20th when [he] promptly changed [his] address and filed for an appeal.” DEED responds that the “ULJ correctly applied the law in dismissing” this appeal “as untimely” and that, therefore, we should affirm.

The sole issue on appeal is whether the ULJ erred in dismissing the appeal as untimely.<sup>3</sup> *Christgau v. Fine*, 27 N.W.2d 193, 195, 199 (Minn. 1947); *see also In re Murack*, 957 N.W.2d 124, 127 (Minn. App. 2021) (“The only issue for our determination on this appeal is whether the ULJ erred by dismissing Murack’s administrative appeal as untimely without considering the impact of the executive order.”). Time limits for administrative appeals are “jurisdictional and must be strictly construed.” *Johnson v. Metro. Med. Ctr.*, 395 N.W.2d 380, 382 (Minn. App. 1986). “An agency decision of whether to dismiss an appeal as untimely is a question of law, which [appellate courts] review de novo.” *Stassen v. Lone Mountain Truck Leasing, LLC*, 814 N.W.2d 25, 29 (Minn. App. 2012).

An initial determination of eligibility or ineligibility for unemployment insurance benefits “is final unless an appeal is filed by the applicant” or employer “within 20 calendar

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<sup>3</sup> Oslund urges us to review the merits of his eligibility, arguing that the circumstances of his unemployment support his claim for benefits. He argues that, after 15 years, he was “demoted” to a position in which he worked with another employee who was “unreasonable” and “always caused problems.” He argues that his employer “pushed [him] out” when he voiced concerns about his employment. The ULJ did not decide the merits of Oslund’s eligibility for benefits. As a result, the issue is not before this court, and we do not consider it.

days after sending.” Minn. Stat. § 268.101, subd. 2(f) (2022).<sup>4</sup> The statute specifies that the 20-day period begins after *sending*, meaning that the applicant must file an appeal “within 20 days of the date that” the determination of eligibility “is *mailed*.” *Murack*, 957 N.W.2d at 127 (emphasis added).

Oslund emphasizes his failure to receive actual notice of the determination of ineligibility. Caselaw does not support Oslund’s argument. When applying a previous version of the statute setting the deadline for appeals of unemployment-benefits decisions, this court noted that the “statute does not require actual notice for the appeal period to run.” *Johnson*, 395 N.W.2d at 381-82 (applying Minn. Stat. § 268.10, subd. 5 (1984)).<sup>5</sup> In a nonprecedential but persuasive opinion,<sup>6</sup> this court made the same observation about an administrative appeal deadline that is identical to the one that applied to Oslund. *Her v. FGT Cabinetry LLC*, No. A20-1024, 2021 WL 1247956, at \*1 (Minn. App. Apr. 5, 2021) (“The statute does not require actual notice for the appeal period to run.” (quotation

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<sup>4</sup> The legislature amended Minn. Stat. § 268.101 in 2023. 2023 Minn. Laws ch. 33, § 15, at 309. Under the new version of the statute, applicants have 45 days to file an appeal instead of 20 days. *Id.* This 2023 statute is “effective for determinations issued on or after May 5, 2024.” *Id.* Because Oslund’s determination of ineligibility was issued on April 29, 2024, the 2022 version of Minn. Stat. § 268.101 applied and Oslund had 20 days to file an appeal.

<sup>5</sup> Minnesota Statutes section 268.10, subdivision 5, provided that a party could appeal an eligibility determination “[w]ithin 30 days after mailing or personal delivery of the notice of a referee’s decision to the claimant or employer at the last known address.”

<sup>6</sup> Nonprecedential opinions “may be cited as persuasive authority.” Minn. R. Civ. App. P. 136.01(c).

omitted)).<sup>7</sup> Because actual notice of an ineligibility determination is not required to trigger the appeal period, Oslund’s alleged failure to receive actual notice does not affect our analysis.

DEED contends that the 20-day appeal deadline has no exceptions. We agree based on caselaw discussing different versions of this administrative appeal period. In *Cole v. Holiday Inns, Inc.*, this court noted that “[t]here is no provision for extension or exceptions” to the appeal period. 347 N.W.2d 72, 73 (Minn. App. 1984) (stating that a determination of ineligibility is “final unless an appeal therefrom is filed by a claimant or employer within 15 days after the mailing of the notice of the determination to his last known address or personal delivery of the notice” and applying Minn. Stat. § 268.10, subd. 2(3) (1982)). We applied the same reasoning to the 2020 version of the administrative appeal deadline in *Murack*. 957 N.W.2d at 127 (concluding that the deadline for filing an appeal of a denial of unemployment benefits “is absolute” and that “when an appeal is not timely filed, it must be dismissed for lack of jurisdiction” and applying Minn. Stat. § 268.101, subd. 2(f) (2020)).

Oslund urges us to consider that he did not receive the determination of ineligibility because he was evicted from the address he provided in his benefits application. We understand that Oslund is arguing that he had good cause for his failure to file his administrative appeal within the 20-day deadline. This argument has been previously

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<sup>7</sup> *Her* considered Minn. Stat. § 269.202, subd. 2(f) (2020). The 2020 version of section 268.101, subdivision 2(f), cited in *Her* and the 2022 version applied here are identical.

rejected for the same reasons that other exceptions to the administrative appeal deadline have been rejected. In *Semanko v. Department of Employment Services*, the Minnesota Supreme Court rejected Semanko’s claim that he had good cause for failing to file his appeal within the statutory deadline, holding that the statutory deadline was “absolute and unambiguous.” 244 N.W.2d 663, 665-66 (Minn. 1976).<sup>8</sup>

In summary, relevant statutes and caselaw establish that (1) any appeal of a determination of unemployment-benefits ineligibility must be filed within 20 days of the mailing of the determination, (2) the 20-day appeal period starts the day the determination is mailed regardless of actual receipt of the determination, and (3) there are no exceptions or extensions to the 20-day appeal deadline.

The 20-day period for Oslund’s administrative appeal started on April 29, 2024, when DEED mailed the determination of ineligibility to Oslund at the address he provided in his application. The determination of ineligibility stated that it would “become final unless an appeal [was] filed by Monday, May 20, 2024.” Oslund filed an appeal on June 20, 2024, 31 days after the appeal period ended. Thus, Oslund’s appeal was untimely.

We acknowledge Oslund’s frustration and the impact that the denial of unemployment benefits has on Oslund and his family. Oslund understandably claims that he is entitled to benefits after many years of employment. While we are sympathetic to Oslund’s situation, the “function of the court of appeals is limited to identifying errors and

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<sup>8</sup> *Semanko* applied Minn. Stat. § 268.10, subd. 2(4), which required that an applicant or employer must appeal “within seven days after” a notice of ineligibility “was mailed to his last known address” or the “determination shall be final.”

then correcting them,” and we discern no error here. *Sefkow v. Sefkow*, 427 N.W.2d 203, 210 (Minn. 1988).

Because the ULJ correctly applied the law when determining that Oslund’s June 20, 2024 appeal was untimely, we affirm the order dismissing Oslund’s appeal.

**Affirmed.**