

SUMMARY STATEMENT

Kennedy v. Hagadone,
Docket No. 41951

The Idaho Supreme Court affirmed the Industrial Commission's (Commission) Decision and Order upholding the appeal examiner's determination that Mitchell Kennedy's request for an appeals hearing was not timely.

This case arose out of Kennedy's request for an appeals hearing on an Eligibility Determination and subsequent Determinations of Overpayment that the Idaho Department of Labor (IDOL) sent Kennedy regarding unemployment benefits. The appeals examiner found that Kennedy's appeal was untimely because Kennedy faxed it two days past the deadline and that consequently, the examiner had no jurisdiction to hear Kennedy's appeal. Kennedy appealed that decision to the Commission, which affirmed the examiner. After a denial of a motion to reconsider, Kennedy appealed to the Idaho Supreme Court. He argued the Commission erred by affirming the appeals examiner and denying his request for reconsideration. On appeal, Kennedy asserted that his request was timely under the postal error exceptions outlined in relevant rules and case law.

The Idaho Supreme Court affirmed the Industrial Commission, holding that substantial and competent evidence supported the Commission's conclusion that no postal error excused Kennedy's untimely appeal. The Court also held that the Commission did not abuse its discretion when it denied Kennedy's request for reconsideration.