

BOISE, IDAHO, APRIL 19, 2024, AT 11:10A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

TODD R. BANKS,)	
)	
Claimant-Appellant,)	Docket No. 50202-2022
)	
v.)	
)	
PRIMARY THERAPY SOURCE, L.L.C.,)	
Employer; IDAHO DEPARTMENT OF)	
LABOR,)	
)	
Defendants-Respondents.)	
)	

Appeal from a decision of the Idaho Industrial Commission, Aaron White, Chairman.

Michael Bowers, Strindberg Scholnick Birch Hallam Harstad Thorne, Boise, for Appellant.

Raúl R. Labrador, Idaho Attorney General, Boise, for Respondent Idaho Department of Labor.

This case concerns Todd R. Banks's appeal from the Idaho Industrial Commission's Decision and Order which affirmed a determination that he must repay more than \$32,000. In April 2020, Banks applied for, was approved for, and began receiving unemployment benefits. The Idaho Department of Labor later performed an audit, concluded it had overpaid Banks, and issued three determination notices requiring Banks to repay the Department \$26,001 plus a civil penalty of \$6,500.25, for a total amount of \$32,501.25. The Department mailed the determination notices to Banks's last known address. Banks later filed a written appeal of the determination notices, which he emailed thirteen days after the appeal deadline.

At the hearing on the appeal, the appeals examiner confirmed the date of mailing and address listed on the determination notices with Banks and then proceeded to ask why Banks filed his appeal past the deadline. In response, Banks stated that he was on vacation when the determination notices were mailed and that he did not receive them until after he returned from vacation, at which point the timeframe to appeal had already expired. The appeals examiner concluded that Banks's appeals were untimely and therefore affirmed the Department's determination notices. Banks appealed the order to the Idaho Industrial Commission, which affirmed the appeals examiner's determination. Banks then timely appealed the Commission's determination to the Idaho Supreme Court.

On appeal, Banks argues for the first time that the method in which the determination notices were served violated his due process rights under the Idaho and U.S. Constitutions because it failed to provide notice reasonably calculated under the circumstances to inform him of the decisions and afford him a meaningful opportunity to respond.