

BRADFORD, Judge

Appellant-Petitioner Lawrence Tolley appeals the Review Board's dismissal of his appeal following the denial of his claim for benefits. We affirm.

FACTS

On April 1, 2009, a claims deputy at the Indiana Department of Workforce Development ("DWD") suspended Tolley's benefits from March 7, 2009 to July 4, 2009 on the grounds that he was not able, available, and actively seeking full-time work. The notice of this suspension of benefits stated that it would become final on April 13, 2009 if not appealed. On April 17, 2009, Tolley appealed the suspension of his benefits, attaching a copy of a Community Health Network report authorizing his return to work on April 17, 2009. On April 17, 2009, an administrative law judge ("ALJ") dismissed Tolley's appeal as untimely. Tolley appealed this decision to the Review Board, which affirmed the dismissal of his appeal on May 1, 2009.

DECISION

Tolley appeals the Board's decision by arguing that he was incapable of meeting the appeal deadline and by challenging the merits of the claims deputy's suspension of his benefits. Tolley does not dispute that his appeal was untimely.

Tolley acknowledges that Indiana Code section 22-4-17-2(e) (2008) provides that a claimant has ten days following the denial of his benefits to request a hearing before an ALJ or the decision "shall be final and benefits shall be . . . denied in accordance therewith." This ten-day period extended to thirteen days because Tolley received

service through the mail. *See* Ind. Code § 22-4-17-14 (2008). Tolley agrees that he filed his appeal on April 17, at least three days after the statutory deadline had passed. Prior cases strictly construe statutory time prerequisites to require dismissal in the case of untimely appeals. *See, e.g., Szymanski v. Review Bd. of the Ind. Dep't of Workforce Dev.*, 656 N.E.2d 290, 293 (Ind. Ct. App. 1995). The Review Board properly dismissed Tolley's appeal.

The judgment of the Review Board is affirmed.

BAILEY, J, and VAIDIK, J., concur.