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IN THE
COURT OF APPEALS OF INDIANA

T.S.,	)	
	)	
Appellant,	)	
	)	
vs.	)	No. 93A02-0901-EX-79
	)	
REVIEW BOARD OF THE INDIANA DEPARTMENT OF WORKFORCE DEVELOPMENT and NORMAL LIFE, INC.,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE REVIEW BOARD OF THE DEPARTMENT OF WORKFORCE DEVELOPMENT
The Honorable Steven F. Bier, Chairperson
The Honorable George H. Baker, Member
The Honorable Lawrence A. Dailey, Member
Cause No. 08-R-3774

December 18, 2009

MEMORANDUM DECISION – NOT FOR PUBLICATION

BARNES, Judge

Case Summary

T.S. appeals the determination that she was not eligible for unemployment benefits. We dismiss.

Issue

We address one dispositive issue, which we restate as whether we have jurisdiction over T.S.'s appeal.

Facts

T.S. last worked for her employer on June 20, 2008. On August 29, 2008, the Indiana Department of Workforce Development determined T.S. was not eligible for unemployment benefits. T.S. appealed that determination. On November 10, 2008, an administrative hearing was held. On November 12, 2008, an administrative law judge ("ALJ") affirmed the determination that T.S. was not eligible for unemployment benefits. On November 18, 2008, T.S. appealed the ALJ's decision. On December 16, 2008, the Unemployment Insurance Review Board ("the Review Board") affirmed the ALJ's decision. The Review Board's decision was also mailed to her on December 16, 2008. In its decision the Review Board notified T.S. of her appeal rights as follows:

> The party adversely affected may appeal this decision to the Indiana Court of Appeals. The appealing party must file a notice of appeal with the Review Board within thirty (30) days from the mailing date of this decision. At the same time that the notice of appeal is filed with the Review Board, the appealing party must also serve a copy of the notice of appeal on the Clerk of the Court of Appeals . . . .

Appellee's App. p. 50 (capitalization altered). On January 22, 2009, T.S. mailed her notice of appeal to the Review Board. T.S.'s notice of appeal was filed with the Review Board on January 23, 2009.[1]

Analysis

The State argues that T.S.'s appeal should be dismissed because she failed to timely file her notice of appeal. We agree. Pursuant to Indiana Appellate Rule 9(A)(3):

> A judicial review proceeding taken directly to the Court of Appeals from an order, ruling, or decision of an Administrative Agency is commenced by filing a Notice of Appeal with the Administrative Agency within thirty (30) days after the date of the order, ruling or decision, notwithstanding any statute to the contrary.

In Indiana, the timeliness of filing a notice of appeal is of the utmost importance. This is evidenced in part by Indiana Appellate Rule 9(A)(5), which states, "Unless the Notice of Appeal is timely filed, the right to appeal shall be forfeited . . . ." "The timely filing of a notice of appeal is a jurisdictional prerequisite, and failure to conform to the applicable time limits results in forfeiture of an appeal." Trinity Baptist Church v. Howard, 869 N.E.2d 1225, 1227 (Ind. Ct. App. 2007), (trans. denied).

Here, the Review Board issued its decision on December 16, 2008. Pursuant to Indiana Appellate Rule 9(A)(3), T.S. had thirty days—until January 15, 2009—to file her notice of appeal. T.S.'s notice of appeal to the Review Board is postmarked January 22, 2009. Thus, T.S.'s notice of appeal was not timely filed, and we do not have jurisdiction to entertain her appeal.

[1] T.S.'s notice of appeal was filed with the court on January 23, 2009.

Although T.S. proceeds pro se, she may not take refuge in the sanctuary of her amateur status. See Shepherd v. Truex, 819 N.E.2d 457, 463 (Ind. Ct. App. 2004). "As we have noted many times before, a litigant who chooses to proceed pro se will be held to the same rules of procedure as trained legal counsel and must be prepared to accept the consequences of his action." Id. Moreover, the Review Board's decision specifically informed T.S. of the thirty-day filing requirement. We must dismiss.

Conclusion

Because T.S. did not timely file her notice of appeal, we do not have jurisdiction. We dismiss.

Dismissed.

MATHIAS, J., and BROWN, J., concur.