

Circuit Court for Baltimore City
Case No. C-24-CV-25-001572

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1068

September Term, 2025

IN THE MATTER OF TIRRELL JOHNSON

Friedman,
Kehoe, S.,
Kenney, James A., III
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: May 27, 2026

*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis nor may it be cited as persuasive authority

In 2024, a claims examiner for the Department of Labor’s Division of Unemployment Insurance (the Division) denied a claim for unemployment benefits filed by Tirrell Johnson, appellant. The claim was denied because the claims examiner found that appellant was employed by an educational institution, the period of unemployment for which she was claiming benefits occurred between two successive academic years, and she had a reasonable assurance that she would return to employment with the educational institution in the next term.

Appellant appealed that decision to the Lower Appeals Division. On October 30, 2024, the hearing examiner issued a final written decision affirming the decision of the claims examiner. The decision noted, in a bold-faced heading, that any appeal was required to be made to the Division’s Board of Appeals (the Board) by November 14, 2024. Appellant did not file an appeal with the Board until December 11, 2024, stating that the reason for her untimeliness had been because she “needed to consult a higher court (Appellate court) to review [the] decision” and that the “Appellate court referred me to the circuit court and the circuit court referred me to the Baltimore City Bar association.” The Board dismissed the appeal, finding that it had no jurisdiction because the appeal was untimely. Appellant filed a petition for judicial review in the Circuit Court for Baltimore City, which affirmed the Board’s decision. This appeal followed. Although appellant raises several issues on appeal, only one is properly before this Court: whether the Board

erred in concluding that it had no jurisdiction to hear appellant’s appeal from the Lower Appeals Division.¹ For the reasons that follow, we shall affirm.

A party who wishes to file an appeal with the Board of Appeals must do so within 15 days after notice of the decision of a hearing examiner was mailed to or otherwise delivered to the party. *See* Lab. & Empl. Art. § 8-5A-10(a)(1); COMAR 09.32.06.01B(1) & (3). Moreover, unlike an appeal to the Lower Appeals Division, the time to appeal to the Board may not be extended for good cause. *Compare* Lab. & Empl. Art. § 8-806(e)(2) with 8-806(g)(6); *see also* COMAR 09.32.06.01(B)(3) (stating that the “period for filing an appeal or a petition for review may not be extended by the Board of Appeals”). Because appellant does not dispute that her appeal was untimely, and the time for filing her appeal could not be extended, the Board properly found that it lacked jurisdiction to hear her appeal.²

**JUDGMENT OF THE CIRCUIT
COURT FOR BALTIMORE CITY
AFFIRMED. COSTS TO BE PAID
BY APPELLANT.**

¹ Although appellants raises several claims with respect to the hearing examiner’s decision, the Board found that it lacked jurisdiction to hear her appeal from that decision because it was untimely filed. Because this Court reviews the final decision of the Board, not the final decision of the Lower Appeals Division, we may not review the merits of the hearing examiner’s decision.

² We note that even if the Board had the discretion to extend the time to file her appeal, appellant did not specifically request such an extension. And in any event, her stated reasoning for not filing the appeal in a timely manner would not have established “good cause” under the circumstances. She also contends that her untimely appeal should have been excused because she was temporarily locked out of the “Beacon” portal and because she was waiting to find out if she had been overpaid unemployment insurance benefits. But, even if a “good cause” provision existed, these claims are not preserved because they were not raised before the Board of Appeals.