

*Note: Decisions of a three-justice panel are not to be considered as precedent before any tribunal.*

**ENTRY ORDER**

SUPREME COURT DOCKET NO. 2003-366

MARCH TERM, 2004

	} APPEALED FROM:
	}
	} Employment Security Board
	}
Lisa Watson	}
	}
v.	} DOCKET NO. 02-03-125-14 TAA
	}
Department of Employment and Training	}
	}
	}

In the above-entitled cause, the Clerk will enter:

Claimant appeals the Vermont Employment Security Board= s decision dismissing for lack of jurisdiction her appeal of the appeals referee= s denial of her request for funding to be trained as a dental hygienist. On March 26, 2003, the appeals referee denied claimant= s request because the total cost of the training, when transportation costs were included, exceeded the maximum amount permitted under state law. The referee ruled that federal regulations did not allow claimant to pay the transportation costs herself to meet the eligibility requirements. On May 7, 2003, claimant appealed to the Board by e-mail. On July 8, 2003, the Board dismissed the appeal as untimely filed. Claimant now appeals to this Court. Without addressing the Board= s basis for dismissing her appeal, she asks why it is not possible for her to have the option of paying the transportation costs. We affirm the Board= s decision that it lacked jurisdiction to hear claimant= s appeal because her notice of appeal was not filed within the statutorily prescribed time limit. See 21 V.S.A. ' 1349 (interested party may appeal referee= s decision to Board within thirty days of date of decision); Allen v. Vt. Employment Sec. Bd., 133 Vt. 166, 168 (1975) (Board was without jurisdiction to hear untimely appeal from referee= s decision).

Affirmed.

BY THE COURT:

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John A. Dooley, Associate Justice

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Denise R. Johnson, Associate Justice

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Paul L. Reiber, Associate Justice