

**BEFORE THE TAX APPEAL BOARD
OF THE STATE OF DELAWARE**

RAYMOND DAVID BAILEY,)	
)	
Petitioner,)	
)	
v.)	Dkt. No. 1797
)	
STATE ESCHEATOR,)	
)	
Respondent.)	

BEFORE: Todd C. Schiltz, Esq., Steven R. Director, Esq., Joan Winters, CPA,
Robert Slavin and M. Lynn Fuller

Raymond David Bailey, *pro se*

Michelle E. Whalen, Esq., Deputy Attorney General, and Anthony J.
Testa, Jr., Esq., Deputy Attorney General, for Respondent

DECISION AND ORDER

This is an unclaimed property dispute concerning 90 shares of J.P. Morgan Chase & Co. stock (the “Shares”) that were escheated to Delaware. The State Escheator (“Respondent”) has moved to dismiss the petition arguing that Raymond David Bailey (“Petitioner”) did not timely appeal the Respondent’s Notice of Determination and, as a result, this Board lacks jurisdiction to hear this appeal. The Board agrees, and for the reasons set forth below, Petitioner’s petition is dismissed.

Background

On March 16, 2015, Respondent sent Petitioner an outreach letter attempting to reunite Petitioner with the Shares, which had been escheated to Delaware. Petitioner received the outreach letter, but mislaid it for more than four years.

On September 21, 2019, Petitioner submitted a claim to Respondent related to the Shares. On September 30, 2019, Respondent sent Petitioner a Notice of Determination informing Petitioner that his claim had been approved in the amount of \$6,040.57.

On May 26, 2022, approximately eight months after Respondent issued the Notice of Determination, Petitioner filed a petition before this Board challenging the Respondent's Notice of Determination. Respondent argues that the petition is untimely and, as a result, the Board lacks jurisdiction over this dispute.

Analysis

Section 1167(a) of the Title 12 of the Delaware Code gives a claimant 120 days after Respondent sends her Notice of Determination to file a petition with this Board. The failure to meet that deadline divests this Board of jurisdiction. *Dye v. Director of Revenue*, Tax Appeal Board Dkt. 1261 at 1 (Mar. 7, 1997).

Petitioner filed his appeal before this Board more than 120 days after the Respondent issued her Notice of Determination. The Board lacks jurisdiction to hear Petitioner's appeal. This case is dismissed.

Paul G. Hill

John M. Winter

W. Lynn Fuller

R. R. Whit

Robert W. Sloan

Dated: 1-3-23