

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**BRADY M DEJOODE**  
Claimant

**TRADER PHD LLC**  
Employer

**APPEAL 21A-UI-12927-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 12/20/20**  
**Claimant: Respondent (1R)**

Iowa Code § 96.6(2) – Timeliness of Protest  
Iowa Code § 96.7(2)a(6) – Appeal from the Statement of Charges

**STATEMENT OF THE CASE:**

On May 11, 2021, the employer filed an appeal from the Statement of Charges dated May 7, 2021, for the first quarter of 2021. A hearing was scheduled and held on August 30, 2021, pursuant to due notice. Claimant was unavailable when called at the registered number and did not participate. Employer participated through Crystal Ward. Chani Tancredi testified. Official notice was taken of the administrative record. Department Exhibit D-1 was admitted.

**NOTE TO EMPLOYER:** To become a SIDES E-Response participant, you may send an email to [iwd-sidesinfo@iwd.iowa.gov](mailto:iwd-sidesinfo@iwd.iowa.gov). To learn more about SIDES, visit <http://info.uisides.org>. If you wish to change the address of record, please access your account at: <https://www.myiowaui.org/UITIPTaxWeb/>. Helpful information about using this site may be found at: <http://www.iowaworkforce.org/ui/uiemployers.htm> and <http://www.youtube.com/watch?v= mpCM8FGQoY>

**ISSUES:**

Was the employer's protest timely?  
Was the employer's appeal from the Statement of Charges timely?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed a claim for unemployment insurance benefits with an effective date of December 20, 2020. Claimant separated from employment on December 21, 2020.

On December 24, 2020, Iowa Workforce Development (IWD) mailed a notice of claim to employer's last address of record. Employer never received the notice of claim. The notice of claim contains a warning that any protest must be postmarked, faxed or returned no later than ten days from the initial mailing date.

The first notice of the claimant's claim for benefits was the receipt of the statement of charges mailed May 7, 2021 for the first quarter of 2021. The employer filed its appeal of that statement of charges on May 11, 2021 (Department Exhibit 1).

Had claimant received the notice of claim, it would have protested the claim. The issues of the reason for the separation and requalification have not been adjudicated by the Benefits Bureau of the Iowa Workforce Development.

#### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the employer filed a timely appeal from the Statement of Charges.

Iowa Code section 96.6(2) provides, in pertinent part:

2. Initial determination. A representative designated by the director shall promptly notify all interested parties to the claim of its filing, and the parties have ten days from the date of mailing the notice of the filing of the claim by ordinary mail to the last known address to protest payment of benefits to the claimant.

Iowa Code section 96.7(2)a(6) provides:

2. Contribution rates based on benefit experience.
  - a. (6) Within forty days after the close of each calendar quarter, the department shall notify each employer of the amount of benefits charged to the employer's account during that quarter. The notification shall show the name of each individual to whom benefits were paid, the individual's social security number, and the amount of benefits paid to the individual. An employer which has not been notified as provided in section 96.6, subsection 2, of the allowance of benefits to an individual, may within thirty days after the date of mailing of the notification appeal to the department for a hearing to determine the eligibility of the individual to receive benefits. The appeal shall be referred to an administrative law judge for hearing and the employer and the individual shall receive notice of the time and place of the hearing.

The administrative law judge concludes that the employer filed its appeal of the statement of charges within the time period prescribed by the Iowa Employment Security Law because it did not receive the notice of claim indicating the claimant had filed a claim for benefits. The employer's appeal of that statement within thirty days is timely. The issues of the reason for the separation and requalification are remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

**DECISION:**

The employer has filed a timely appeal from that Statement of Charges, as the notice of claim was not received. The May 7, 2021 statement of charges for the first quarter of 2021 is affirmed pending a determination on whether claimant is qualified to receive benefits or has requalified for benefits.

**REMAND:**

The issues of the reason for the separation and whether the claimant has requalified for benefits and the employer should be relieved of charges for the benefits are remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.



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Jennifer L. Beckman  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
Iowa Workforce Development  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax 515-478-3528

August 31, 2021  
Decision Dated and Mailed

jlb/mh