

If the Claimant loses on the merits either before the Benefits Bureau or before an Administrative Law Judge as a result of the proceedings following the decision finding the protest timely, then the Claimant may appeal the decision on the merits. If such an appeal reaches the Board then the issue of timeliness of protest can be adjudicated by the Board at that time, based on the record in both this case and in that one. In any proceedings before IWD that agency may take the issue of the protest timeliness to have been already adjudicated, but in any subsequent appeal to the Board the issue of timeliness of protest can be taken up along with any appeal on the merits.

In other words, the Claimant has not yet been denied benefits. Until he does there is no reason for him to appeal. *If* the Claimant has benefits denied because of the protest then he can appeal that denial and the issue of timeliness at the same time.

**DECISION:**

The appeal of the Administrative Law Judge's decision in case August 14, 2018 is **DISMISSED**. The decision of the administrative law judge remains in full force and effect. The Claimant may appeal the issue of timeliness of protest if and when a decision is made adversely affecting the Claimant's ability to collect benefits, and which decision concerns the issue which formed the basis of the protest.

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