

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BRANDON L YOUNG
Claimant

JACKSON RECOVERY CENTERS INC
Employer

APPEAL 19A-UI-03566-LJ-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 02/03/19
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:

The employer filed an appeal from the Statement of Charges dated April 15, 2019, for the first quarter of 2019. A hearing was scheduled and held on May 21, 2019, pursuant to due notice. Claimant did not register for the hearing and did not participate. Employer participated through Jessica Ward, HR Partner. The administrative law judge took official notice of the administrative record.

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: The Notice of Claim was provided via SIDES to the employer. On February 9, 2019, an email was sent to smiller@jacksonrecovery.com notifying the employer that the Notice of Claim was available and waiting for a response. The employer did not receive that notice. Ward explained that the email receiving the notifications is attached to the former HR Director who left her position last summer. The employer believed it was still supposed to be receiving paper Notices of Claim.

The first notice of the claimant's claim for benefits was the receipt of the Statement of Charges mailed April 15, 2019, for the first quarter of 2019. The employer filed its appeal of that Statement of Charges on April 29, 2019. Employer is protesting the claim on the basis that claimant quit his employment. 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.

Iowa Administrative Code rule 26.4(4) provides:

Also notwithstanding the provisions of subrule 36.4(2), a reimbursable employer, which has not previously received a notice of the filing of a valid claim for benefits, may appeal an individual's eligibility to receive benefits within 15 days from the mailing date of the quarterly billing of benefits charges.

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 reasonably believed that it would be receiving paper Notices of Claim, as it had no knowledge that the prior HR Director had enrolled in SIDES. Moving forward, the employer is urged to update its email address in SIDES and read and heed the emails alerting the employer to new claims. 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 April 15, 2019, Statement of Charges for the first quarter of 2019 is affirmed pending a determination on whether claimant is qualified to receive benefits or has requalified for benefits. The employer has filed a timely appeal from that Statement of Charges, as the Notice of Claim was not received.

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.

Elizabeth A. Johnson
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Decision Dated and Mailed

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