

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

TAMMIE L YANKIE
Claimant

KUM & GO LC
Employer

APPEAL NO. 20A-UI-02389-DG-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 06/02/19
Claimant: Respondent (2-R)

Iowa Code § 96.6(2) - Timeliness of Protest

STATEMENT OF THE CASE:

The employer filed a timely appeal from the March 13, 2020, (reference 07) unemployment insurance decision that allowed benefits and found the protest untimely. After due notice was issued, a hearing was held on April 22, 2020. Employer participated through Tiliania Davidson, Hearing Representative. Employer's Exhibit 1 was received. The administrative law judge took official notice of the administrative record, including the notice of claim and protest.

ISSUE:

Is the employer's protest timely?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Employer received a notice of a combined wage claim on June 3, 2019. The employer filed its protest on June 19, 2020. The claimant's separation from employment has not yet been the subject of a Benefits Bureau fact-finding interview.

REASONING AND CONCLUSIONS OF LAW:

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.

The employer filed a protest in a timely manner on June 19, 2019, but the agency did not receive the fax transmission. Immediately upon receipt of information to that effect, the employer filed another protest. Therefore, the protest shall be accepted as timely.

DECISION:

The March 13, 2020, (reference 07) unemployment insurance decision is reversed. The employer has filed a timely protest.

REMAND: The separation and combined wage issues are remanded to the Benefits Bureau of Iowa Workforce Development for a fact-finding interview and unemployment insurance decision.



Duane L. Golden
Administrative Law Judge

April 28, 2020
Decision Dated and Mailed

dlg/scn