

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

MICHAEL SIEFERS
Claimant

APPEAL NO. 08A-UI-11613-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

QUAD CITY HUMAN RESOURCE CO
Employer

OC: 11/02/08 R: 02
Claimant: Respondent (1)

Section 96.6-2 – Timely Protest

STATEMENT OF THE CASE:

Quad City Human Resource Company filed a timely appeal from an unemployment insurance decision dated December 3, 2008, reference 02, that allowed benefits to Michael Siefers. After due notice was issued, a telephone hearing was held December 29, 2008 with Robert Fout and Mike Olds participating for the employer. Mr. Siefers did not provide a telephone number at which he could be contacted. Exhibit D-1 was admitted into evidence,

ISSUE:

Has the employer filed a timely protest?

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: On November 5, 2008 the Agency notified Quad City Human Resource Company that Michael Siefers had filed a claim for unemployment insurance benefits. The Notice of Claim advised the employer that a response was needed by November 17, 2008. Mike Olds, the person who would ordinarily receive such notification, was on vacation. The Notice of Claim finally made it to the desk of Robert Fout on November 24, 2008. A response was faxed on November 25, 2008.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the protest can be accepted as timely. It cannot. Iowa Code section 96.6-2 gives employers ten days from the date of a Notice of Claim to file a protest. Additional time may be granted as long as the delay in filing is the fault of the U. S. Postal Service or Iowa Workforce Development. The employer could not provide evidence to establish that the delay was the fault of either the postal service or the Agency. Under these circumstances, the administrative law judge concludes that the protest cannot be accepted as timely.

DECISION:

The unemployment insurance decision dated December 3, 2008, reference 02, is affirmed. The employer's protest was untimely, The claimant is entitled to receive unemployment insurance benefits, provided he is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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