

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TYSON GILLELAND
Claimant

R J PERSONNEL INC
Employer

APPEAL 18A-UI-12121-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 11/25/18
Claimant: Respondent (4)**

Iowa Code Chapter 95 – Requalification
Iowa Code § 96.6(2) – Timeliness of Protest

STATEMENT OF THE CASE:

The employer filed a timely appeal from the December 13, 2018, (reference 03) decision that allowed benefits and found the protest untimely. No hearing was held as there was sufficient evidence in the appeal letter and accompanying documents to resolve the matter without testimony.

ISSUE:

Did the employer file a timely notice of protest?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: The claimant's notice of claim was mailed to the employer's address of record on November 27, 2018. The employer filed their notice of protest via e-mail on November 29, 2018 at 1:26 p.m. In that notice of protest the employer indicated that the claimant had refused a suitable offer of work. Later that same day, November 29, at 1:41 p.m. the employer realized they had inadvertently submitted incorrect information and submitted a revised notice of claim indicating the claimant voluntarily quit his employment without good cause attributable to the employer. The employer filed their revised notice of protest within 15 minutes of filing the original incorrect one. The employer clearly filed a timely notice of protest on November 29, 2018. The filing made it clear that the employer was protesting any charges to their account. The claimant has requalified for benefits since the separation from the employer.

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 did file a correct timely notice of protest on November 29, 2018 at 1:41 p.m.

The administrative law judge further concludes that the claimant has requalified for benefits since the separation from this employer. Accordingly, benefits are allowed and the account of the employer shall not be charged.

DECISION:

The December 13, 2018, (reference 03) decision is modified in favor of the appellant. The employer has filed a timely protest, and the claimant has requalified for benefits since the separation. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer (1999949) shall not be charged.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/rvs