

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DANIEL L GLEASON
Claimant

**OSKALOOSA COMMUNITY SCHOOL
DISTRICT**
Employer

APPEAL 18A-UI-08473-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 05/27/12
Claimant: Respondent (2)**

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 mailed to them on July 30, 2018 for the second quarter of 2018. The parties were properly notified about the hearing. A telephone hearing was scheduled to be held on August 27, 2018. A review of the agency records, and the documents submitted by the employer made clear that no additional testimony was necessary and no hearing was held. Official notice was taken of agency records.

ISSUE:

Did the employer file a timely appeal to their statement of charges for the second quarter of 2018?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a claim for benefits with an effective date of May 27, 2012. The school district filed a timely protest to his claim in 2012 and a fact-finder's decision was issued on June 29, 2012 finding the claimant ineligible for benefits from the employer school district. The fact-finder's decision was never appealed by the claimant. Claimant had an overpayment due to the agency in the original amount of \$392.00.

On April 12, 2018 the claimant made a \$100.00 dollar payment to the agency to pay off part of his balance. That payment was made in the second quarter of 2018. For some unknown reason the agency overpayment system read the payment made by the claimant as a bill that was due by the employer. The employer was then erroneously sent a charge on their reimbursable statement of charges for second quarter of 2018. The employer does not owe the agency \$100.00 dollars in reimbursable charges for the second quarter of 2018 as they never should have been billed as they have no liability for benefits with respect to this claimant.

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.

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.

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. The employer had already filed a protest and received a fact-finding decision in their favor. That decision has become final. The reimbursable statement of charges was erroneously sent to the employer after the claimant made a payment on his overpayment balance. The employer is not obligated to pay the agency \$100.00 for their second quarter statement of charges.

DECISION:

The July 30, 2018, Statement of Charges for the second quarter of 2018 is reversed. The employer has no obligation to pay the agency the \$100.00 as they were erroneously billed.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/rvs