

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**LESA J KASTER**  
Claimant

**WINNEBAGO INDUSTRIES**  
Employer

**APPEAL 17A-UI-12447-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 12/25/16  
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:**

Winnebago Industries (employer) filed an appeal from the Statement of Charges dated November 9, 2017, for the third quarter of 2017. A hearing was held on December 21, 2017, pursuant to due notice. Lesa J. Kaster (claimant) did not respond to the hearing notice and did not participate. The employer participated through Human Resources Supervisor Susan Gardner. The employer's proposed Exhibits 1 through 6 were not admitted into the record as they were not relevant to the issues being decided. Department's Exhibits D1 and D2 were admitted into the 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 claimant filed her claim for benefits the week of December 25, 2016 due to a temporary layoff. The employer did not protest the claimant's receipt of benefits at that time.

The claimant separated from employment on August 10, 2017. On August 16, 2017, the employer notified Iowa Workforce Development (IWD) of the separation through the SIDES system. The first notice the employer had that the claimant was receiving benefits following the separation was the receipt of the Statement of Charges mailed November 9, 2017 for the third quarter of 2017. The employer filed its appeal of that Statement of Charges on December 4, 2017. Whether separation qualifies the claimant for benefits has not yet been investigated or adjudicated at the claims level.

## **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 and filed a timely protest to the claimant's receipt of benefits.

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 employer filed its appeal of the Statement of Charges within the time period prescribed by the Iowa Employment Security Law because it was the first notice it had following the claimant's separation that she was receiving benefits chargeable to its account. The employer's appeal of that Statement within thirty days is timely. The employer timely protested the claimant's receipt of benefits following her separation by notifying IWD of the separation through the SIDES system within ten days. The issue of whether the separation qualifies the claimant for benefits is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

## **DECISION:**

The November 9, 2017, Statement of Charges for the third quarter of 2017 is affirmed pending the outcome of the remanded issue. The employer has filed a timely appeal from that Statement of Charges, as it was the first notice it had following the separation that the claimant was receiving benefits.

**REMAND:**

The issue of whether the separation qualifies the claimant for benefits is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

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Stephanie R. Callahan  
Administrative Law Judge

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Decision Dated and Mailed

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