

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CHARLES E STRICKLAND
Claimant

AMMT LLC
Employer

APPEAL 20A-UI-04744-AW-T
ADMINISTRATIVE LAW JUDGE
DECISION

OC: 10/13/19
Claimant: Respondent (6)

Iowa Code § 96.6(2) – Filing – Timely protest
Iowa Code § 96.7(2)(a)(6) – Appeal from the Statement of Charges

STATEMENT OF THE CASE:

Employer filed an appeal contesting benefits paid to claimant. The appeal was set up as an appeal to the Statement of Charges mailed on May 8, 2020 for the first quarter of 2020. The parties were properly notified of the hearing. A telephone hearing was scheduled for June 17, 2020, at 9:00 a.m. No hearing was held. No exhibits were admitted. Official notice is taken of the administrative record.

ISSUE:

Whether employer's appeal was erroneously set up as an appeal from a Statement of Charges.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed a claim for unemployment insurance benefits effective October 13, 2019. Employer submitted a timely Statement of Protest alleging claimant was discharged for misconduct. A fact-finding interview was held. On November 1, 2019, an Unemployment Insurance Decision (reference 02) was issued finding claimant eligible for benefits based upon his separation from employer.

A Statement of Charges reflecting charges for claimant was mailed to employer on May 8, 2020 for the first quarter of 2020. On May 20, 2020, employer mailed a letter to IWD stating claimant quit working for employer to enter self-employment, that claimant made threats of harm to coworkers and damage to company property, and that claimant should not receive benefits. IWD received this letter on May 22, 2020 and set it up as an appeal to the most recent Statement of Charges. The letter should have been set up as an appeal of the Unemployment Insurance Decision (reference 02), which allowed benefits to claimant. IWD should set up an appeal of the decision and issue hearing notices to the parties. IWD should dismiss this appeal of the Statement of Charges.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes employer's appeal of claimant receiving benefits was erroneously set up as an appeal of the Statement of Charges mailed May 8, 2020. Accordingly, the appeal of the Statement of Charges is dismissed. Employer's appeal shall be set up as an appeal of the Unemployment Insurance Decision (reference 02). The parties will receive notice of hearing on the new appeal. The Statement of Charges mailed May 8, 2020 for the first quarter of 2020 will remain in effect pending the outcome of the appeal of the decision (reference 02).

DECISION:

This appeal is dismissed. An appeal of the Unemployment Insurance Decision (reference 02) shall be established and hearing notices shall be sent to the parties. The Statement of Charges mailed May 8, 2020 for the first quarter of 2020 shall remain in effect pending the outcome of the appeal on the decision (reference 02).



Adrienne C. Williamson
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June 29, 2020
Decision Dated and Mailed

acw/scn