

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KEITH R HUNTER
Claimant

IOWA STAFFING
Employer

APPEAL 21A-UI-01030-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 08/09/20
Claimant: Respondent (4)

Iowa Code § 96.6(2) – Timeliness of Protest
Iowa Code § 96.7(2)a(6) – Appeal from the Statement of Charges
Iowa Code Chapter 96 – Requalification

STATEMENT OF THE CASE:

On November 19, 2020, the employer filed an appeal from Statement of Charges dated November 9, 2020, for the third quarter of 2020. A hearing was scheduled for February 16, 2021, pursuant to due notice. Claimant did not register for the hearing and did not participate. Employer participated through office manager Alejandra Rocha.

ISSUES:

Is the employer's protest timely?
Is the employer's appeal from the statement of charges timely?
Has claimant requalified for benefits?

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 with an effective date of August 9, 2020.

On August 17, 2020, Iowa Workforce Development (IWD) mailed a notice of claim to employer's last address of record. Employer received the notice of claim within ten days and filed a timely protest via fax. Employer did not get a message that its fax transmission was unsuccessful, but Iowa Workforce Development did not receive the fax.

Employer's first notice of charges for the benefits was the receipt of the Statement of Charges mailed November 9, 2020, for the third quarter of 2020. The employer filed its appeal of that Statement of Charges on November 19, 2020. Employer protested on the basis that claimant voluntarily resigned effective January 30, 2020.

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.

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 timely protested the claim and the employer's appeal of the Statement of Charges within thirty days is timely. 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 November 9, 2020, Statement of Charges for the third quarter of 2020 is modified in favor of the appellant. The employer has filed a timely protest and a timely appeal from that Statement of Charges. The claimant has requalified for benefits since the separation. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer shall not be charged.



Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

February 26, 2021
Decision Dated and Mailed

cal/kmj