

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

AMY N THOMPSON
Claimant

GOLDEN AGE PROPERTIES LLC
GOLDEN AGE CARE CENTER
Employer

APPEAL 17A-UI-07058-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 01/01/17
Claimant: RESPONDENT (2R)

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

STATEMENT OF THE CASE:

The employer filed an appeal from the first quarter 2017 Statement of Charges regarding former employee Amy N. Thompson. After due notice was issued, a hearing was held on August 1, 2017. The claimant did participate. The employer did participate through Laurie Buckhahan, Administrator and Angela Fowler, R.N.

ISSUE:

Did the employer file a timely appeal to the first quarter Statement of Charges?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: A statement of charges was mailed to the employer on May 9, 2017. The employer received the statement and learned for the first time that their account was being charged for benefits paid to the claimant. During the week ending May 20, 2017 the employer communicated via email with Erin Irvine and Kelly Hauschildt regarding the statement of charges. The employer's emails were not forwarded to the Appeals Bureau to be processed until July 2017. The employer notified the agency within 30 days of receipt of the statement of charges that they intended to dispute charges to their account for this employee. The reason for the claimant's separation from this employer has not yet been investigated or adjudicated at the claims level.

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 because it did not receive the notice of claim indicating the claimant had filed a claim for benefits. The employer's appeal of that Statement within thirty days is timely as they contacted the agency within the thirty day period. The employer has established timely intent to appeal the Statement of Charges.

REMAND:

The issue of the claimant's separation is remanded to the claims section of Iowa Workforce Development for an initial investigation and determination.

DECISION:

The May 9, 2017, Statement of Charges for the first quarter of 2017 is reversed. The employer has filed a timely appeal from that Statement of Charges, as the Notice of Claim was not received.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/rvs