

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ANJANAY N CHAMBLISS
Claimant

GRAPETREE MEDICAL STAFFING INC
Employer

APPEAL 21A-UI-12002-JC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 10/11/20
Claimant: Respondent (2R)

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:

On May 20, 2021, Grapetree Medical Staffing Inc., (employer) filed an appeal from the statement of charges dated May 7, 2021, reference 01, for the first quarter of 2021. A hearing was held on July 16, 2021, pursuant to due notice. Anajanay N. Chambliss, (claimant) participated. The employer participated through Zachary Myer, HR Generalist. The department's Exhibits D1 was received.

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 notice of claim emailed through the SIDES platform to the employer's address of record: hr@grapetree.com. The notice was emailed on October 15, 2020. The employer did not receive the notice of claim. The employer notified IWD in November 2020 that it was having issues with its SIDES account showing all open claims. It is unclear if or how the matter was resolved. Employer also contacted IWD on February 15, 2021 when it emailed UIAppealsHelp@IWD.IOWA.GOV about a statement of charges and about not receiving a claim. To the best of Mr. Myer's knowledge, no hearing was scheduled based upon the email.

The employer then received a statement of charges dated May 7, 2021 for the first quarter of 2021. The statement included a charge for benefits paid to the claimant beginning October 11, 2020. The employer filed its appeal of that statement of charges on May 20, 2021.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the employer did timely file its appeal to the statement of charges.

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. [Emphasis added.]

Iowa Admin. Code r. 871-26.4 provides, in relevant part:

2. An appeal from an initial decision concerning the allowance or denial of benefits shall be filed, by mail, facsimile, or e-mail, online, or in person, not later than ten calendar days, as determined by the postmark or the date stamp after the decision was mailed to the party at its last-known address and shall state the following:

- a. The name, address and social security number of the claimant;
- b. A reference to the decision from which appeal is taken; and,
- c. The grounds upon which the appeal is based.

3. Notwithstanding the provisions of subrule 26.4(2), a contributory employer, which has not previously received a notice of the filing of a valid claim for benefits, may appeal an individual's eligibility to receive benefits within 30 days from the mailing date of the quarterly statement of benefit charges.

4. Also notwithstanding the provisions of subrule 26.4(2), a reimbursable employer, which has not previously received a notice of the filing of a valid claim for benefits, may appeal an individual's eligibility to receive benefits within 15 days of the mailing date of the quarterly billing of benefit charges.

The employer filed to timely appeal the claimant's receipt of benefits upon receiving notice. The employer twice tried to notify IWD of issues related to its account including not receiving

notices of claims in SIDES. 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. The issues of the reason for the separation and requalification are remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

DECISION:

The May 7, 2021, Statement of Charges for the first quarter of 2021 is reversed. The employer has filed a timely appeal from that Statement of Charges, as the Notice of Claim was not received.

REMAND:

The issues of the reason for the separation and whether the claimant has requalified for benefits are remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.



Jennifer L. Beckman
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax 515-478-3528

July 26, 2021
Decision Dated and Mailed

jlb/lj