

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

NATHAN A MASULLO
Claimant

APPEAL NO. 14A-UI-08053-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

SINCLAIR COMMUNICATIONS LLC
Employer

OC: 07/06/14
Claimant: Respondent (2R)

Iowa Code § 96.6(2) - Timeliness of Protest

STATEMENT OF THE CASE:

The employer filed an appeal from the July 28, 2014, (reference 02) unemployment insurance decision that allowed benefits. After due notice was issued, a hearing was scheduled to be held on August 28, 2014. The claimant did not participate. After reviewing the documents submitted by the employer that were entered into the record as Employer's Exhibit One, the administrative law judge determined that no additional testimony was needed and no hearing was held.

ISSUE:

Did the employer file a timely notice of protest?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant's notice of claim was mailed to the employer's address of record on July 11, 2014. The employer's fax records illustrate that they filed a timely notice of protest on July 21, 2014.

There has been no fact-finding interview held on the claimant's separation from employment with this employer.

REASONING AND CONCLUSIONS OF LAW:

The first issue is whether employer's protest is timely. The administrative law judge concludes it is.

Iowa Code § 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.

The employer's documentation establishes that a timely notice of protest was filed. Their protest shall be accepted as timely.

REMAND: The separation issue outline in the findings of fact is remanded to the unemployment insurance center for an initial interview and determination.

DECISION:

The July 28, 2014 (reference 02) decision is reversed. The employer filed a timely protest.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/css