

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**KELLI J CRABB**  
Claimant

**APPEAL 20A-UI-07978-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 05/31/20**  
**Claimant: Appellant (1)**

871 IAC 24.9(1)b – Timely Monetary Determination  
Iowa Code § 96.3-4 – Determination of Benefits  
Iowa Code § 96.4-4 – Eligibility for Benefits

**STATEMENT OF THE CASE:**

The claimant appealed from the June 8, 2020, reference 01, monetary record. After due notice was issued, a hearing was held by telephone conference call on August 19, 2020. The claimant participated personally. Department's Exhibit D-1 was admitted to the record. The administrative law judge took official notice of the administrative file.

**ISSUE:**

The issue is whether the claimant filed a timely appeal to the monetary record.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: A monetary record was mailed to the claimant's last known address of record on June 8, 2020. The claimant received the record on June 12, 2020. The record contained a warning that an appeal must be postmarked or received by the Appeals Section within ten days of the date of mailing. The appeal was not filed until June 30, 2020, which is after the expiration of the ten-day appeal period.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Admin. Code r. 871-24.9(1)b provides:

*Monetary Determinations.*

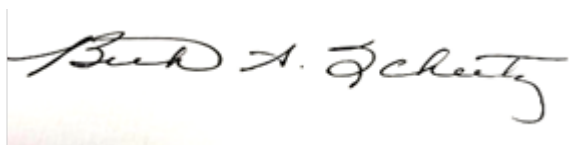
24.9(1)b The monetary record shall constitute a final decision unless newly discovered facts which affect the validity of the original determination or a written request for reconsideration is filed by the individual within ten days of the date of the mailing of the monetary record specifying the grounds of objection to the monetary record.

The ten calendar days for appeal begins running on the mailing date. The "decision date" found in the upper right-hand portion of the representative's decision, unless otherwise corrected immediately below that entry, is presumptive evidence of the date of mailing. *Gaskins v. Unempl. Comp. Bd. of Rev.*, 429 A.2d 138 (Pa. Comm. 1981); *Johnson v. Board of Adjustment*, 239 N.W.2d 873, 92 A.L.R.3d 304 (Iowa 1976). This would apply to the date of the monetary record as well.

In this case, the claimant received the monetary record with sufficient time to appeal the decision. The appeal was made after due date for appeals. The claimant did not provide good cause for not appealing on time. The appeal is, therefore, not timely.

**DECISION:**

The June 8, 2020, reference 01, monetary record is affirmed. The appeal in this case was not timely.

A handwritten signature in black ink, reading "Beth A. Scheetz", is positioned above a horizontal line.

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Beth A. Scheetz  
Administrative Law Judge

August 24, 2020  
Decision Dated and Mailed

bas/scn