

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

DEAONSY SMITH
Claimant

SEDONA STAFFING INC
Employer

APPEAL 21A-UI-13819-SN-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 09/06/20
Claimant: Respondent (2R)

Iowa Code § 96.6(2) – Timeliness of Protest

STATEMENT OF THE CASE:

The employer, Sedona Staffing Inc, filed a timely appeal from the June 4, 2021, reference 03, decision that determined the employer's protest was untimely because it was filed more than ten days after a notice of claim was mailed on November 8, 2020. After due notice was issued, a hearing was held on August 12, 2021. The claimant did not participate. The employer did participate through UI Admin Colleen McGuinty.

ISSUE:

The issue is whether the employer's protest was timely filed in response to a notice of claim.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

The administrative law judge reviewed the administrative record Alfresco to find the notice of claim dated November 8, 2020. He found notices of claims dated August 29, 2019, September 10, 2019, June 2, 2020, June 24, 2020, and September 15, 2020. He did not find a notice of claim matching the date referenced in the decision. The last of these notices of claim the employer received and protested on September 18, 2020, within three days.

The employer did informed Iowa Workforce Development of the claimant's separation that occurred on January 8, 2021 on January 15, 2021, in response to the claimant's separation itself.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge finds the employer's protest is not untimely.

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 issuing the notice of the filing of the claim to protest payment of benefits to the claimant.

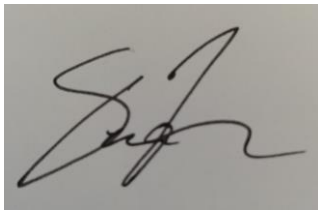
The administrative record Alfresco does not show a notice of claim was sent on November 8, 2020. Even if there had been, the employer could not have informed Iowa Workforce Development of an alleged separation occurring months later on January 8, 2021.

DECISION:

The June 4, 2021, reference 03, decision is reversed. The employer informed Iowa Workforce Development of a separation occurring on January 8, 2021 on January 15, 2021.

REMAND:

The separation issue delineated in the findings of fact is remanded to the claims section of Iowa Workforce Development for an initial investigation and determination.



Sean M. Nelson
Administrative Law Judge
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August 18, 2021
Decision Dated and Mailed

smn/mh