

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHANDRA D FREEMAN
Claimant

APPEAL NO. 07O-UI-01368-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

SYSTEMS UNLIMITED INC
Employer

**OC: 11/12/06 R: 03
Claimant: Respondent (2-R)**

Section 96.6(2) – Timeliness of Protests

STATEMENT OF THE CASE:

Systems Unlimited, Inc. filed an appeal from a representative's decision dated December 14, 2006, reference 04, which held that the protest to Chandra Freeman's claim was not timely filed. After due notice was issued, a hearing was held by telephone on January 9, 2007. The January 9, 2007 decision of the administrative law judge affirmed the prior determination. The employer filed a further appeal with the Employment Appeal Board which, on February 5, 2007, remanded the matter for a new hearing on a finding that the employer had not received notice of the prior hearing.

Pursuant to the remand, due notice was issued scheduling a telephone hearing on February 21, 2007. Ms. Freeman participated personally. The employer participated by Kari Wilken, Human Resources Specialist. Exhibit One was admitted on the employer's behalf.

ISSUE:

At issue in this matter is whether the employer's protest was timely filed.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Freeman filed a claim for job insurance benefits effective November 12, 2006. Notice of the claim was mailed to the employer at its address of record on November 20, 2006. The employer moved in November and placed a forwarding order with the postal service. The postal service forwarded the notice of claim to the employer's new address on December 7, 2006. A protest was filed by fax on December 11, 2006.

REASONING AND CONCLUSIONS OF LAW:

The notice of Ms. Freeman's claim was mailed to the employer on November 20. However, because of a recent move, the employer's receipt of the notice was delayed. The postal service sticker attached to the envelope in which the notice was mailed indicates it was forwarded to the employer on December 7. Because the employer had not yet received the notice of claim by the November 30 due date, it could not have filed a protest within the time allotted by Iowa Code

section 96.6(2). The employer acted with due dispatch in filing a protest on December 11, 2006. Because the protest was filed within ten days of when the notice of claim was forwarded to the employer, the administrative law judge concludes it was timely filed.

The decision herein only addresses the issue of whether the protest was filed timely. This matter shall be remanded to Claims to issue a determination regarding Ms. Freeman's separation from employment.

DECISION:

The representative's decision dated December 14, 2006, reference 04, is hereby reversed. The employer filed a timely protest to Ms. Freeman's claim. This matter is remanded to Claims for a determination regarding the separation from employment.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs