

**IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KAYLA L HANES

Claimant

APPEAL 25A-UI-03133-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

COLLINS COMMUNITY CREDIT UNION

Employer

OC: 03/30/25

Claimant: Respondent (1)

Iowa Code § 96.6(2) – Timeliness of Protest

STATEMENT OF THE CASE:

Collins Community Credit Union., the employer/appellant,¹ appealed the Iowa Workforce Development (IWD) April 16, 2025 (reference 02) unemployment insurance (UI) decision. IWD found Kayla L. Hanes eligible for REGULAR (state) UI benefits, as long as no other decision denies her UI benefits, because IWD concluded the employer did not protest Ms. Hanes' UI claim on time. The employer appealed on April 23, 2025. On April 28, 2025, the Iowa Department of Inspections, Appeals, and Licensing (DIAL), UI Appeals Bureau mailed a notice of hearing to the employer and Ms. Hanes for a telephone hearing scheduled for May 9, 2025.

The administrative law judge held a telephone hearing on May 9, 2025. The employer participated in the hearing through Jessica Long, vice president of human resources (HR). Ms. Hanes participated in the hearing personally. The administrative law judge admitted Department's Exhibits 1-2 and Employer's Exhibit 1 as evidence.

The administrative law judge concludes the employer did not protest Ms. Hanes' UI claim on time.

ISSUE:

Did the employer protest Ms. Hanes' UI claim on time?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: IWD sent the employer a Notice of Claim for Ms. Hanes' UI claim via the IWD State Information Data Exchange System (SIDES) on April 2, 2025. The Notice contains a warning that the employer's protest response is due Monday, April 14, 2025.

The employer received the Notice of Claim before the deadline. On April 14 one of the employer's HR business partners completed the Notice. The next day, the employer received a Notice about another UI claim. The employer logged into SIDES and saw the employer's

¹ Appellant is the person or employer who appealed.

response to the Notice of Ms. Hanes' claim was not yet submitted. The employer submitted the Notice immediately. IWD received the Notice the same day.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the employer did not protest the April 2, 2025 Notice of Ms. Hanes' UI claim on time.

Iowa Code § 96.6(2) provides, in relevant part: "[u]nless the claimant or other interested party, after notification or within ten calendar days after notification was mailed to the claimant's last known address, files an appeal from the decision, the decision is final, and benefits shall be paid or denied in accordance with the decision."

Iowa Admin. Code r. 871-24.27(1) and (2) provide, in relevant part:

1. Except as otherwise provided by statute or by division rule, any payment, appeal, application, request, notice, objection, petition, report or other information or document submitted to the division will be considered received by and filed with the division:

(a) If transmitted via the United States Postal Service on the date it is mailed as shown by the postmark, or in the absence of a postmark the postage meter mark of the envelope in which it is received; or if not postmarked or postage meter marked or if the mark is illegible, on the date entered on the document as the date of completion.

(b) If transmitted via the State Identification Data Exchange System (SIDES), maintained by the United States Department of Labor, on the date it was submitted to SIDES.

(c) If transmitted by any means other than those outlined in paragraphs 24.27(1)"a" and "b," on the date it is received by the division.

2. The submission of any payment, appeal, application, request, notice, objection, petition, report or other information or document not within the specified statutory or regulatory period will be considered timely if it is established to the satisfaction of the division that the delay in submission was due to division error or misinformation or to delay or other action of the United States postal service.

The Iowa Supreme Court has declared that there is a mandatory duty to file appeals from representatives' decisions within the time allotted by statute, and that the undersigned has no authority to change the IWD representative's decision if a timely appeal is not filed.² Compliance with appeal notice provisions is jurisdictional unless the facts of a case show that the notice was invalid.³

In this case, the employer received the Notice before the deadline. So, the employer could have filed a protest before the deadline. The notice provision of the notice was valid. The employer's delay in protesting Ms. Hanes' UI claim was not due to delay or other action of the United States Postal Service. The employer has not established any other good cause reason

² *Franklin v. IDJS*, 277 N.W.2d 877, 881 (Iowa 1979).

³ *Beardslee v. IDJS*, 276 N.W.2d 373, 377 (Iowa 1979); see also *In re Appeal of Elliott* 319 N.W.2d 244, 247 (Iowa 1982).

for its delay in protesting the claim. The employer did not protest the April 2, 2025 Notice of Ms. Hanes' UI claim on time.

DECISION:

The April 16, 2025 (reference 02) UI decision is AFFIRMED. The employer did not protest the April 2, 2025 Notice of Ms. Hanes' UI claim on time.

/s/ *Daniel Zeno*

Daniel Zeno
Administrative Law Judge

May 12, 2025
Decision Dated and Mailed

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APPEAL RIGHTS. If you disagree with this decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Iowa Employment Appeal Board
6200 Park Avenue Suite 100
Des Moines IA 50321
Fax: (515)281-7191
Online: eab.iowa.gov**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

AN APPEAL TO THE BOARD SHALL STATE CLEARLY:

- 1) The name, address, and social security number of the claimant.
- 2) A reference to the decision from which the appeal is taken.
- 3) That an appeal from such decision is being made and such appeal is signed.
- 4) The grounds upon which such appeal is based.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf> or by contacting the District Court Clerk of Court <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Note to Parties: YOU MAY REPRESENT yourself in the appeal or obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds.

Note to Claimant: It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.

DERECHOS DE APELACIÓN. Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Iowa Employment Appeal Board
6200 Park Avenue Suite 100
Des Moines IA 50321
Fax: (515)281-7191
En línea: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que se encuentra en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf> o comunicándose con el Tribunal de Distrito Secretario del tribunal <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Nota para las partes: USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

Nota para el reclamante: es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

SERVICIO DE INFORMACIÓN:

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.