

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KENNETH STEINLAGE

Claimant

APPEAL NO: 08A-UI-05617-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

UNITED PARCEL SERVICE

Employer

**OC: 12/02/07 R: 04
Claimant: Respondent (4)**

Section 96.6-2 - Timeliness of Protest

STATEMENT OF THE CASE:

United Parcel Service (employer) appealed an unemployment insurance decision dated June 9, 2008, reference 02, which held it failed to file a timely protest regarding the claimant's separation of employment on January 16, 2007 and no disqualification of unemployment insurance benefits was imposed. Due notice was issued scheduling the matter for a telephone hearing to be held July 2, 2008. Because a decision fully favorable to the parties could be made based on the record as it stood, a hearing was deemed unnecessary.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant's notice of claim was mailed to the employer's address of record on December 7, 2007. The employer filed a protest on December 12, 2007 but it was not received by Iowa Workforce. The claimant has requalified for benefits since the separation from the employer.

REASONING AND CONCLUSIONS OF LAW:

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 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 administrative law judge concludes that the employer filed its protest within the time period prescribed by the Iowa Employment Security Law because they did initially reply to the notice of claim on December 12, 2007, which was prior to the due date. However, the agency did not receive the protest until the employer resubmitted its protest on June 3, 2008.

The administrative law judge further concludes that the claimant has requalified for benefits since the separation from this employer. Accordingly, benefits are allowed and the account of the employer shall not be charged.

DECISION:

The employer's protest is timely. The unemployment insurance decision dated June 9, 2008, reference 02, is modified in favor of the appellant. The employer has filed a timely protest, and the claimant has requalified for benefits since the separation. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer shall not be charged.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs