

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RITA J ALTENHOFEN**  
Claimant

**APPEAL NO. 13A-UI-08899-VST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**JORDANN INC**  
Employer

**OC: 06/26/11  
Claimant: Respondent (1)**

Section 96.6-2 – Timely Protest

**STATEMENT OF THE CASE:**

The employer filed an appeal from a representative's decision dated July 24, 2013, reference 01, which held that the employer failed to file a timely protest. After due notice, a hearing was held on September 6, 2013. The claimant is deceased. The employer participated by E. Jordan, owner of the business. The record consists of the testimony of E. Jordan. Official notice is taken of agency records.

**ISSUE:**

Whether the employer filed a timely protest.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witness and having considered all of the evidence in the record, makes the following findings of fact:

The claimant established an original claim for unemployment insurance benefits with an original claim date of June 26, 2011. On July 5, 2011, a notice of claim was mailed to the employer. The due date for any protest was July 15, 2011. The employer received a copy of the notice of claim but did not file a protest because the owner, E. Jordan, did not know what to with the notice of claim. Statements for charges were also mailed to the employer in 2011 and 2012. The employer also did not respond to the statements.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code § 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 employer failed to file a timely protest. The employer received the notice of claim and because the owner did not know what it was, he never responded to the notice of claim. He did not file even after receiving statements of charges. Employer error does not excuse the requirement to file a timely protest.

**DECISION:**

The decision of the representative dated July 24, 2013, reference 01, is affirmed. The employer failed to file a timely protest.

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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

vls/pjs