

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

DUSTIN J LEECH

Claimant

APPEAL NO: 20A-UI-10765-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

ROBERT DWYER CONSTRUCTION

Employer

OC: 12/29/19/

Claimant: Respondent (2)

Section 96.6-2 - Timeliness of Protest

STATEMENT OF THE CASE:

The employer appealed from the September 20, 2020, reference 05, decision that concluded it failed to file a timely protest regarding the claimant's separation of employment on June 26, 2020, and no disqualification of unemployment insurance benefits was imposed. A hearing was scheduled and held on October 21, 2020, pursuant to due notice. The claimant did not respond to the hearing notice and did not participate in the hearing. Sally Starling, Bookkeeper and Robert Dwyer, Owner, participated in the hearing on behalf of the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant's notice of claim was mailed to the employer's address of record on July 10, 2020. The employer filed its protest on July 14, 2020. There are issues regarding the claimant's separation from this employer that have not yet been investigated or adjudicated at the claims level.

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 it filed July 14, 2020, which was prior to the due date of July 20, 2020. The issue of the claimant's separation from this employer is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

DECISION:

The September 20, 2020, reference 05, decision is reversed. The employer has filed a timely protest. The issue of the claimant's separation from this employer is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.



Julie Elder
Administrative Law Judge

October 26, 2020
Decision Dated and Mailed

je/sam