

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BRUCE J LEITZ
Claimant

HY-VEE INC
Employer

APPEAL 16A-UI-06934-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/06/16
Claimant: Respondent (4)

Iowa Code Chapter 95 – Requalification
Iowa Code § 96.6(2) – Timeliness of Protest

STATEMENT OF THE CASE:

The employer filed an appeal from the June 13, 2016, (reference 01) unemployment insurance decision that found employer's protest untimely. The parties were properly notified about the hearing. A telephone hearing was scheduled for July 11, 2016. The parties responded to the hearing notice instructions but no hearing was held as there was sufficient evidence in the administrative record, appeal letter and accompanying documents to resolve the matter without testimony.

ISSUES:

Is the employer's protest timely?
Has the claimant requalified for benefits since the separation from this 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 March 15, 2016. On March 16, 2016, the employer filed its protest electronically using the unemployment insurance state information data exchange system. For an unknown reason, the agency did not receive employer's protest.

The claimant has requalified for benefits since the separation from the employer.

REASONING AND CONCLUSIONS OF LAW:

The first issue is whether employer's protest is timely. The administrative law judge concludes it is.

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 filed a protest in a timely manner on March 16, 2016 but the agency did not receive the protest for some unknown reason. Employer timely submitted a protest.

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 June 13, 2016, (reference 01) unemployment insurance decision 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.

Christine A. Louis
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Decision Dated and Mailed

cal/pjs