

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DALE E HULING**  
Claimant

**APPEAL NO: 14A-UI-07292-ST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**GOODWILL INDUSTRIES OF THE  
HEARTLAND**  
Employer

**OC: 06/15/14  
Claimant: Respondent (1)**

Section 96.6-2 – Timeliness of Protest

**STATEMENT OF THE CASE:**

The employer appealed a department decision dated July 8, 2014, reference 01, that held it failed to file a timely protest regarding claimant's employment separation on June 17, 2014, and benefits are allowed. A telephone hearing was held on August 7, 2014. The claimant participated. Barbara Buss, Segwick Representative, and Mary Anspach, Clinton Store Manager, participated for the employer. Employer Exhibit 1 was received as evidence.

**ISSUE:**

Whether the employer filed a timely protest.

**FINDINGS OF FACT:**

The administrative law judge having heard the witness testimony and having considered the evidence in the record, finds: The claimant filed an unemployment claim effective June 15, 2014. The department mailed a notice of claim to the employer's address of record on June 19 with a protest due date of June 30, 2014. The employer submitted a protest by fax on July 1 to the department. The employer responded late to its representative request for protest information.

**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.

Another portion of this same Code section dealing with timeliness of an appeal from a representative's decision states that such an appeal must be filed within ten days after notification of that decision was mailed. In addressing an issue of timeliness of an appeal under that portion of this Code section, the Iowa Supreme Court held that this statute prescribing the

time for notice of appeal clearly limits the time to do so, and that compliance with the appeal notice provision is mandatory and jurisdictional. *Beardslee v. IDJS*, 276 N.W.2d 373 (Iowa 1979).

The administrative law judge considers the reasoning and holding of that court in that decision to be controlling on this portion of that same Iowa Code section which deals with a time limit in which to file a protest after notification of the filing of the claim has been mailed. The employer has not shown any good cause for not complying with the jurisdictional time limit. Therefore, the administrative law judge is without jurisdiction to entertain any appeal regarding the separation from employment.

The administrative law judge concludes that the employer failed to file a timely protest. There was no good cause provided for the one-day late protest. The employer representative stated the employer was late in response to protest information.

**DECISION:**

The department decision dated July 8, 2014, reference 01, is affirmed. The employer failed to file a timely protest, and the department decision remains in force and effect.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

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