

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MEAGAN A HUBENKA

Claimant

APPEAL 19A-UI-08529-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

NODAWAY VALLEY COMMUNITY SCHOOL

Employer

OC: 06/30/19

Claimant: Respondent (1R)

Iowa Code § 96.6(2) – Timeliness of Protest

Iowa Code § 96.7(8)B(4) – Application for Redetermination

STATEMENT OF THE CASE:

The employer filed an appeal from the notice of reimbursable benefit charges dated October 15, 2019, which listed reimbursable benefit charge information through September 30, 2019. Due notice was issued and a hearing was held on November 21, 2019. Claimant participated. Employer participated through business manager Amanda Summers. The administrative law judge took official notice of the administrative record.

ISSUES:

Is the employer's protest timely?

Did the employer timely appeal the notice of reimbursable charges?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed a claim for unemployment insurance benefits with an effective date of June 30, 2019. On July 2, 2019, Iowa Workforce Development mailed employer a notice of claim. Employer did not receive the notice of claim.

Employer first became aware that claimant filed a claim for unemployment insurance benefits when it received the notice of reimbursable charges mailed by Iowa Workforce Development on October 15, 2019. Employer filed an appeal on October 26, 2019. Employer is protesting the claim on the basis that claimant had reasonable assurance of continued employment.

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.

Iowa Code section 96.7(8)B(4) provides:

8. Financing benefits paid to employees of nonprofit organizations.

b. Reimbursements for benefits paid in lieu of contributions shall be made in accordance with the following:

(4) The amount due specified in a bill from the department is conclusive unless, not later than fifteen days following the date the bill was mailed or otherwise delivered to the last known address of the nonprofit organization, the nonprofit organization files an application for redetermination with the department setting forth the grounds for the application. The department shall promptly review the amount due specified in the bill and shall issue a redetermination. The redetermination is conclusive on the nonprofit organization unless, not later than thirty days after the redetermination was mailed or otherwise delivered to the last known address of the nonprofit organization, the nonprofit organization files an appeal to the district court pursuant to subsection 5.

Iowa Code section 96.7(2)a(6), which applies to contributory employers, provides guidance in the situation here, which deals with a reimbursable employer. It states that an employer who did not receive notice of the claim may appeal to the department for a hearing to determine the eligibility of an individual to receive benefits.

The administrative law judge concludes that the employer did not receive notice of the claim. The administrative law judge further concludes that the employer's appeal of the notice of reimbursable charges within 15 days is timely.

Because the appeal is timely and employer never previously received notice of the claim, the issue of whether claimant had reasonable assurance of continued employment and was eligible for benefits is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

DECISION:

The October 15, 2019, notice of reimbursable benefit charges for charges through September 30, 2019, is affirmed pending a determination on whether claimant is eligible for benefits.

REMAND:

The issue of whether claimant had reasonable assurance of continued employment and was eligible for benefits is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.



Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
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November 25, 2019
Decision Dated and Mailed

cal/scn