

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ROSE K SPRAGUE
Claimant

APPEAL 17A-UI-08280-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

GOLDEN AGE PROPERTIES LLC
Employer

**OC: 12/04/16
Claimant: Respondent (4)**

Iowa Code § 96.5(1)g – Requalification
Iowa Code § 96.6(2) – Timeliness of Protest
Iowa Code § 96.7(2)a(6) – Appeal from the Statement of Charges

STATEMENT OF THE CASE:

Golden Age Properties, LLC (employer) filed an appeal from the Statement of Charges dated August 9, 2017 for the second quarter of 2017. A hearing was scheduled for September 1, 2017, pursuant to due notice. The claimant and employer responded to the hearing notice instructions but no hearing was held as there was sufficient evidence in the appeal letter, accompanying documents, and the administrative record to resolve the matter without testimony.

ISSUES:

Is the employer's protest timely?

Is the employer's appeal from the Statement of Charges timely?

Has the claimant requalified for benefits since her separation from the employer?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The Notice of Claim was sent to the employer through the ESIDES system. However, the employer discovered there was an issue with the ESIDES system and it has not received any documents through that system since October 2016. The employer did not receive the Notice of Claim.

The first notice of the claimant's claim for benefits was the receipt of the Statement of Charges mailed May 9, 2017 for the first quarter of 2017. The employer contacted the Chargeback Unit of Iowa Workforce Development (IWD) as instructed on May 22, 2017 to contest the charges. On July 7, 2017, an unemployment insurance decision, reference 01, was issued stating that the claimant was eligible for benefits as she had requalified for benefits following her separation and the employer's account would not be charged. The employer also received an email from IWD stating it would receive a credit on its Statement of Charges for the third quarter of 2017.

On August 9, 2017, the Statement of Charges for the second quarter of 2017, which included new charges for the claimant, was mailed to the employer. The employer filed its appeal of that Statement of Charges on August 14, 2017.

The claimant separated from the employer on June 20, 2016 to accept employment with another employer. She filed her claim for benefits the week of December 4, 2016 and her weekly benefit amount (WBA) was \$121.00. The claimant earned ten times her WBA in insured wages and requalified for benefits following her separation from the employer.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes that the employer filed a timely appeal to the Statement of Charges, the claimant has requalified for benefits, and the employer's account shall not be charged.

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(2)a(6) provides:

2. Contribution rates based on benefit experience.

a. (6) Within forty days after the close of each calendar quarter, the department shall notify each employer of the amount of benefits charged to the employer's account during that quarter. The notification shall show the name of each individual to whom benefits were paid, the individual's social security number, and the amount of benefits paid to the individual. An employer which has not been notified as provided in section 96.6, subsection 2, of the allowance of benefits to an individual, may within thirty days after the date of mailing of the notification appeal to the department for a hearing to determine the eligibility of the individual to receive benefits. The appeal shall be referred to an administrative law judge for hearing and the employer and the individual shall receive notice of the time and place of the hearing.

The employer filed its appeal of the Statement of Charges within the time period prescribed by the Iowa Employment Security Law because it did not receive the notice of claim indicating the claimant had filed a claim for benefits. The employer's appeal of that Statement within thirty days is timely. 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 August 9, 2017, Statement of Charges for the second quarter of 2017 is modified in favor of the appellant. The employer filed a timely appeal from that Statement of Charges, as the Notice of Claim was not received. 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.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn