

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SCOTT W LENNON

Claimant

APPEAL 20A-UI-15902-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

COLLEGE COMMUNITY SCHOOL DISTRICT

Employer

OC: 06/14/20

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:

On November 2, 2020, the employer filed an appeal from the October 15, 2020, notice of reimbursable benefit charges which listed charge information through September 30, 2020. The parties were properly notified of the hearing. A hearing was held on January 28, 2021. Claimant participated. Employer participated through executive director of human resources Jeri Mortiz. Official notice was taken 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 14, 2020.

Employer previously signed up to receive electronic notices of claim through the State Information Data Exchange System (SIDES). Iowa Workforce Development sent employer an email alert of the notice of claim in the SIDES system. The notice of claim states that a response is due by July 13, 2020. The administrative record shows employer did submit timely a response on July 13, 2020.

Employer protested on the basis that claimant works for employer as a soccer coach and had a contract to continue in that employment the next school year.

Iowa Workforce Development did not issue a decision on the issue of whether claimant is eligible for benefits based on his employment with employer and whether employer could be relieved of benefit charges.

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.

In this case, the administrative law judge concludes the employer did receive the notice of claim, and did timely protest the claim. For some unknown reason, Iowa Workforce Development did not issue a decision on whether claimant is eligible for benefits based on this employment and/or whether employer can be relieved of benefit charges.

This matter will be remanded to Benefits Bureau to make an initial decision on whether claimant is eligible for benefits based on this employment and/or whether employer should be relieved of benefit charges.

DECISION:

The October 15, 2020, notice of reimbursable benefit charges is affirmed pending a decision by the Benefits Bureau on whether claimant is eligible for benefits based on this employment and/or whether employer should be relieved of benefit charges and its account should be credited. The employer did file a timely protest.

REMAND:

This matter is remanded to Benefits Bureau to make an initial decision on whether claimant is eligible for benefits based on this employment and/or whether employer should be relieved of benefit charges. More detail on the basis for protest can be found on the SIDES system.



Christine A. Louis
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February 12, 2021
Decision Dated and Mailed

cal/kmj