

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**ANGELINA D ANTHONY**  
Claimant

**APPEAL 18A-UI-09006-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**PROFESSIONAL PROPERTY MGT INC**  
Employer

**OC: 05/13/18**  
**Claimant: Respondent (2R)**

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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:**

The employer filed an appeal from the second quarter 2018, statement of charges that notified them that their account was being charged for benefits paid to Angelina D. Anthony. The parties were properly notified about the hearing. A telephone hearing was held on September 18, 2018. Claimant did not participate. Employer participated through Cindy Jorgensen, Vice-President and Jeremiah, Meyer, Controller. Official notice was taken of agency records. Employer's Exhibit 1 was admitted into the record.

**ISSUES:**

Did the employer file a timely protest to the notice of claim?  
Did the employer file a timely appeal to the statement of charges?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed a claim for benefits with an effective date of May 13, 2018. The employer does not participate in the SIDES system as they expect all of their notifications to be sent to them via US mail. A review of the IWD DataWorks/Alfresco system reveals no copy of any notice of claim sent to this employer. Ms. Jorgensen credibly testified that she is the person responsible for dealing with all unemployment matters and the employer never received a notice of claim for this claimant. Mr. Meyer who covers for Ms. Jorgensen in her absence also indicated he received no notice of claim for this claimant.

A statement of charges for the second quarter of 2018 was mailed to the employer at the correct mailing address on August 9, 2018. That statement of charges was the first notice this employer had that their account would be subject to charges for benefits paid to the claimant. The employer filed their appeal on August 27, 2018, which is within thirty days of the mailing of the statement of charges.

There are issues of the reason for the separation and possible requalification that have not yet been investigated or adjudicated at the claims level.

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 administrative law judge concludes that 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 issues of the reason for the separation and possible requalification are remanded to the claims section of Iowa Workforce Development for an initial investigation and determination.

**DECISION:**

The August 9, 2018, Statement of Charges for the second quarter of 2018 is reversed. The employer has filed a timely appeal from that Statement of Charges, as the Notice of Claim was not received.

**REMAND:**

The issues of the reason for the separation and whether the claimant has requalified for benefits are remanded to the claims section of Iowa Workforce Development for an initial investigation and determination.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

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