

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JEFF PERKINS
Claimant

APPEAL NO: 17A-UI-01867-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

FRONTIER MGMT CORP
Employer

OC: 12/04/16
Claimant: Respondent (2-R)

Section 96.6-2 - Timeliness of Protest

STATEMENT OF THE CASE:

The employer appealed from the February 14, 2017, reference 03, decision that concluded it failed to file a timely protest regarding the claimant's separation of employment on November 30, 2016, and no disqualification of unemployment insurance benefits was imposed. A hearing was scheduled and held on March 13, 2017, pursuant to due notice. The claimant did not respond to the hearing notice and did not participate in the hearing. Nikki Hahn, Assistant General Manager, participated in the hearing on behalf of the employer. Department's Exhibit D-1 was admitted to the record.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant's Notice of Claim was mailed to the employer's address of record on December 23, 2016. The employer filed its protest on February 13, 2017.

Nikki Hahn, Assistant General Manager, received the claimant's notice of claim from the Department in a timely manner. She immediately went into the employer's system and submitted the SIDES information as well as the Claimant and Employer Information but was unaware she was required to return the Notice of Claim indicating the employer was protesting the claim. Ms. Hahn was filling in for the human resources employee who typically handles unemployment claims as that employee was on maternity leave.

There are issues regarding the claimant's separation from this employer that have not yet been investigated or adjudicated at the claims level.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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.

The administrative law judge concludes that the employer filed its protest within the time period prescribed by the Iowa Employment Security Law because it submitted the SIDES information, as well as the Claimant and Employer Information, believing it was the paperwork required to protest the claimant's claim for unemployment insurance benefits. Ms. Hahn was filling in for the human resources employee who routinely handles unemployment claims and was unaware she needed to submit the notice of claim form as well. The issue of the claimant's separation from this employer is remanded to the Claims Section of Iowa Workforce Development for an initial investigation and determination.

DECISION:

The February 14, 2017, reference 03, decision is reversed. The employer has filed a timely protest. The issue of the claimant's separation from this employer is remanded to the Claims Section of Iowa Workforce Development for an initial investigation and determination.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/rvs