

**IOWA DEPARTMENT OF INSPECTIONS AND APPEALS
ADMINISTRATIVE HEARINGS DIVISION, UI APPEALS BUREAU**

ABEGEAL M HELMICK
Claimant

PLD MANAGEMENT CORP
Employer

APPEAL 23A-UI-01364-LJ-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 12/05/21
Claimant: Respondent (2-R)

Iowa Code § 96.6(2) – Timeliness of Protest

STATEMENT OF THE CASE:

On February 10, 2023, employer PLD Management Corp. filed an appeal from the February 3, 2023, (reference 05) unemployment insurance decision that found the protest untimely and allowed benefits. After due notice was issued, a hearing was scheduled for a telephone conference call at 2:00 p.m. on Monday, February 27, 2023. However, the administrative record, including the Notice of Claim and Statement of Protest, contained sufficient information that the administrative law judge was able to render a decision without holding a hearing.

ISSUE:

Is the employer's protest timely?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: Claimant's Notice of Claim was mailed to employer's address of record on December 16, 2021, and it was received by employer within ten days. The notice of claim contains a warning that the employer protest response is due ten days from the initial notice date and gave a response deadline of December 27, 2021. The employer filed its protest on December 23, 2021.

REASONING AND CONCLUSIONS OF LAW:

The sole issue is whether employer's protest is timely. The administrative law judge concludes it is.

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.

The employer filed a protest in a timely manner on December 23, 2021 but the agency did not receive the fax transmission. The employer evidently did not know the agency did not receive their fax until it received information pertaining to a tax rate increase. At that time, the employer promptly appealed and provided the completed fax transmission information. Therefore, the protest shall be accepted as timely.

DECISION:

The February 3, 2023, (reference 05) unemployment insurance decision is reversed. The employer filed a timely protest.

REMAND: The separation issue is remanded to the Benefits Bureau of Iowa Workforce Development for a fact-finding interview and unemployment insurance decision.



Elizabeth A. Johnson
Administrative Law Judge

March 1, 2023
Decision Dated and Mailed

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