

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

WILLIAM D MERCER
Claimant

APPEAL NO. 09A-UI-07562-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

MATRIX METALS LLC
Employer

**Original Claim: 04/13/08
Claimant: Appellant (2)**

Section 96.6-2 – Timeliness of Protest

STATEMENT OF THE CASE:

The claimant appealed a department representative's decision dated May 15, 2009, reference 02 that he was discharged for misconduct on April 11, 2008. A hearing was held on June 10, 2009. The claimant participated. Linda Loffler, HR Assistant, participated for the employer.

ISSUE:

The issue is whether the employer filed a timely protest.

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds that: The claimant and employer representative stipulated that no timely protest was filed from the claimant's claim effective April 13, 2008.

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.

The administrative law judge has reviewed the records and files herein and concludes that the employer failed to file a timely protest from the claimant's claim effective April 13, 2008.

DECISION:

The decision of the representative dated May 15, 2009, reference 02, is reversed. The employer failed to timely protest the claimant's separation from employment on April 11, 2008. Benefits are allowed, provided the claimant is otherwise eligible.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

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