

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BARBARA K SHELLEY**  
Claimant

**APPEAL NO. 09A-UI-04270-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**GAVIN ENTERPRISES INC**  
Employer

**OC: 10/12/08**  
**Claimant: Respondent (4)**

Section 96.6-2 – Timely Protest

**STATEMENT OF THE CASE:**

Gavin Enterprises, Inc. filed a timely appeal from an unemployment insurance decision dated March 9, 2009, reference 02, that allowed benefits to the claimant but did not relieve the employer of charges upon a finding that the employer had not filed a timely protest. After reviewing all matters of record, the administrative law judge concludes that a formal hearing is not required.

**ISSUE:**

Has the employer filed a timely protest?

**FINDINGS OF FACT:**

Having examined all matters of record, the administrative law judge finds: The employer filed a timely protest to this claim. The claimant is entitled to receive unemployment insurance benefits.

**REASONING AND CONCLUSIONS OF LAW:**

The evidence in this record persuades the administrative law judge that the employer filed a timely protest but that the document was either not delivered to the Agency or has been lost. Under the circumstances, the employer can be relieved of charges. The claimant remains eligible to receive unemployment insurance benefits.

**DECISION:**

The unemployment insurance decision dated March 9, 2009, reference 02, is modified. The claimant is entitled to receive unemployment insurance benefits, provided the claimant is otherwise eligible. This employer shall not be charged with benefits.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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