

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DARREN R KENDELL
Claimant

APPEAL 20A-UI-04720-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

THE GREEN THUMBERS INC
Employer

**OC: 12/02/18
Claimant: Respondent (1)**

Iowa Code § 96.6(2) – Timeliness of Protest
Iowa Code § 96.7(2)a(6) – Appeal from the Statement of Charges
Iowa Admin. Code r. 871-26.4(4) – Commencement of Contested Case

STATEMENT OF THE CASE:

On May 14, 2020, The Green Thumbers Inc. (employer/appellant) filed an appeal from the Statement of Charges for the first quarter of 2020, dated May 8, 2020. The Statement of Charges included charges for Darren Kendell's (claimant/respondent) unemployment insurance benefits in that quarter.

A telephone hearing was held on July 7, 2020. The parties were properly notified of the hearing. Claimant participated personally. Employer participated by President Andrew Kay.

Employer's Exhibits 1-3 were admitted. Official notice was taken of the administrative record.

ISSUES:

Is the employer's protest timely?

Did the employer timely appeal the Statement of Charges?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

The Statement of Charges was mailed to employer at the above address on May 8, 2020. It indicates an appeal may be filed within 30 days of the date of mailing if the employer did not previously receive an initial notice of claim and wishes to appeal the claimant's eligibility for benefits. Employer timely appealed on May 14, 2020.

Employer previously submitted a protest in response to a Notice of Wage Transfer dated January 3, 2019. See employer's Exhibit 1. This protest was submitted on January 7, 2019, and indicated claimant voluntarily left employment on July 25, 2018, to accept a position with another employer. However, no fact-finding interview was scheduled or held and no decision regarding claimant's

separation from employment was issued. This is because the claimant's eligibility for benefits was to be determined by the transferred to state, Illinois, rather than the transferring state, Iowa. The Notice of Wage Transfer informs employer that the transferred to state will notify him only if required by law.

Employer also received a notice of claim from the Illinois Department of Employment Security dated January 2, 2020. Employer protested that claim as well. See Exhibit 2

The unemployment insurance database shows claimant has a combined wage claim with Illinois. As such, a notice of claim was not sent from Iowa Workforce Development, and no fact-finding interview was held to determine his eligibility for benefits in Iowa.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the May 8, 2020 Statement of Charges for the first quarter of 2020 is AFFIRMED.

Employer did not previously receive a notice of claim from Iowa Workforce Development because claimant filed a combined wage claim with the state of Illinois. Illinois was to address claimant's eligibility for benefits under its laws. If employer believes claimant is disqualified or otherwise ineligible for benefits, that issue must be addressed with Illinois, if it has not been already.

The undersigned has no jurisdiction to enter an order regarding claimant's eligibility for benefits under Illinois law. Furthermore, there has been no showing that claimant is not eligible for benefits under Illinois law. As such, the Statement of Charges must remain in place.

DECISION:

The May 8, 2020 Statement of Charges for the first quarter of 2020 is AFFIRMED.



Andrew B. Duffelmeyer
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

July 16, 2020
Decision Dated and Mailed

abd/sam