

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**TEILA I ROBERTS**

Claimant

**GOLDEN AGE PROPERTIES LLC**

Employer

**APPEAL 17A-UI-07780-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 03/12/17**

**Claimant: Respondent (2R)**

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Iowa Code § 96.6(2) – Timeliness of Protest

Iowa Code § 96.7(2)a(6) – Appeal from the Statement of Charges

**STATEMENT OF THE CASE:**

Golden Age Properties, LLC (employer) filed an appeal from the Statement of Charges dated May 9, 2017, for the first quarter of 2017. After due notice was issued, a hearing was held by telephone on August 16, 2017. Teila I. Roberts (claimant) did not respond to the hearing notice and did not participate. The employer participated by Administrator Laurie Buckhahn.

**ISSUES:**

Is the employer's protest timely?

Was the employer's appeal from the statement of charges timely?

Is the statement of charges correct?

**FINDINGS OF FACT:**

Having reviewed the evidence in the record, the administrative law judge finds: On February 2, 2017, the claimant was separated from her position as a Certified Nursing Assistant. The claimant filed her claim for benefits effective March 12, 2017. On March 16, 2017, Iowa Workforce Development (IWD) sent a Notice of Claim to the employer through the SIDES system. The employer did not receive the Notice of Claim.

On May 9, 2017, a Statement of Charges for the first quarter of 2017 was mailed to the employer. The Statement of Charges states that an employer has thirty days to file an appeal. The employer reviewed the Statement of Charges and realized it had not received any of the Notice of Claims for the individuals for which it was being charged.

On May 22, 2017 Administrator Laurie Buckhahn sent an email to the Chargeback Unit of IWD disputing the charges. The employer discovered at that time there had been a technical issue with its SIDES account and it had not received any notices sent after October 30, 2016. The IWD representative did not advise the employer to file an appeal from the Statement of Charges with the Appeals Bureau. On July 26, 2017, IWD issued an unemployment insurance decision

that found the employer's protest on May 22, 2017 was not timely as it was not filed within ten days of March 16, 2017. On July 31, 2017, the employer filed an appeal with the Appeals Bureau appealing the unemployment insurance decision and the Statement of Charges.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the employer filed a timely appeal to its statement of charges.

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.

Iowa Code section 96.7(2)a(6) provides:

2. Contribution rates based on benefit experience.

a. (6) Within forty days after the close of each calendar quarter, the department shall notify each employer of the amount of benefits charged to the employer's account during that quarter. The notification shall show the name of each individual to whom benefits were paid, the individual's social security number, and the amount of benefits paid to the individual. An employer which has not been notified as provided in section 96.6, subsection 2, of the allowance of benefits to an individual, may within thirty days after the date of mailing of the notification appeal to the department for a hearing to determine the eligibility of the individual to receive benefits. The appeal shall be referred to an administrative law judge for hearing and the employer and the individual shall receive notice of the time and place of the hearing.

The employer did not receive the Notice of Claim and the Statement of Charges was the first time it learned the claimant was allowed benefits. It contacted IWD in writing on May 22, 2017 which is within 30 days of the appeal deadline for the May 9, 2017 Statement of Charges. The employer's appeal to the statement of charges is timely. The separation issue is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

### **DECISION:**

The Statement of Charges dated May 9, 2017 for the first quarter of 2017 is reversed. The employer has filed a timely appeal from that Statement of Charges, as the Notice of Claim was not received and it submitted a written appeal to IWD on May 22, 2017.

**REMAND:**

The separation issue is remanded to the Benefits Bureau consistent with the remand instructions in the decision for appeal 17A-UI-07649-SC-T.

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Stephanie R. Callahan  
Administrative Law Judge

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Decision Dated and Mailed

src/rvs