

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ALEXIS M MOORE
Claimant

APPEAL NO. 19A-UI-09422-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

FRANCHISE MANAGEMENT CORP
Employer

OC: 06/30/19
Claimant: Respondent (1)

Iowa Code § 96.7-2-a(6) – Statement of Charges
Iowa Code § 96.6-2 – Timeliness of Protest

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a statement of charges dated November 8, 2019, reference 01, which assessed charges for the third quarter of 2019. After due notice, a telephone conference hearing was scheduled for and held on December 26, 2019. Employer participated by Jim Votaw. Claimant failed to respond to the hearing notice and did not participate.

ISSUES:

Whether the statement of charges is correct.

Whether the employer's protest is timely.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: A statement of charges was mailed to the employer on November 8, 2019. The employer appealed the statement of charges on the basis that he had probably received the Notice of Claim through an email and hadn't responded to it, but employer believed that claimant had quit her job to take other employment, so he did not believe it necessary to file a Protest. Only when he received a Statement of Charges did employer realize that claimant had a layoff from her next employment and he could be responsible for a portion of the claim.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.6(2) provides, in pertinent part:

The representative shall promptly examine the claim and any protest, take the initiative to ascertain relevant information concerning the claim, and, on the basis of the facts found by the representative, shall determine whether or not the claim is valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and its maximum duration, and whether any disqualification shall be imposed. . . . Unless the

claimant or other interested party, after notification or within ten calendar days after notification was mailed to the claimant's last known address, files an appeal from the decision, the decision is final and benefits shall be paid or denied in accordance with the decision.

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.

It is held that the statement of charges is correct because employer is not disputing the charges themselves, and did not file a protest to the notice of claim when received.

DECISION:

The statement of charges dated November 8, 2019, reference 01, is affirmed. The statement of charges is correct.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn