

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KAREN M SIEREN
Claimant

APPEAL 17A-UI-07693-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

PEKIN COMMUNITY SCHOOL DISTRICT
Employer

**OC: 06/04/16
Claimant: Respondent (2)**

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

STATEMENT OF THE CASE:

Pekin Community School District (employer) filed an appeal from the Statement of Charges dated July 15, 2017, for the second quarter of 2017. A hearing was scheduled for August 16, 2017, pursuant to due notice. The employer responded to the hearing notice and registered Business Manager Cherie Westendorf for the hearing; however, she did not answer when called at the number provided. The claimant responded to the hearing notice instructions but no hearing was held as there was sufficient evidence in the appeal letter and administrative record to resolve the matter without testimony.

ISSUE:

Was the employer's protest or appeal from the Statement of Charges timely?

Is the Statement of Charges correct?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed her claim for unemployment insurance benefits effective June 4, 2017. The notice of claim was mailed to the employer's address of record on June 9, 2017. The employer sent back its protest on June 12, 2017 stating the claimant had reasonable assurance of employment as a substitute teacher the following year. On June 27, 2017, an unemployment insurance decision, reference 02, which determined the claimant had reasonable assurance of employment with this employer, was mailed to the parties. As a result of that decision, the wages paid by this employer were to be removed from the claimant's base period and its account was not be charged for any benefits paid to her as she had other non-education wages rendering her eligible for benefits. This decision has become final agency action as the claimant did not appeal it and more than ten days has passed. On July 6, 2017, a corrected monetary record was mailed to the claimant removing the employer from her base period. The claimant did not appeal the monetary record.

On July 15, 2017, a Statement of Charges was mailed to the employer and included a charge of \$88.74 for benefits claimed by the claimant during the claim year which began June 4, 2017. The employer appealed the Statement of Charges on July 28, 2017.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the employer filed a timely appeal to the Statement of Charges and the Statement of Charges is not correct.

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's appeal of the Statement of Charges was within thirty days and is timely. The employer had received notice that it would not be charged for the benefits paid to the claimant. The Statement of Charges contains charges for benefits paid to the claimant. The Statement of Charges is incorrect in light of the unemployment insurance decision dated June 27, 2017, reference 02, and the claimant's July 6, 2017 corrected monetary record.

DECISION:

The July 15, 2017, Statement of Charges for the second quarter of 2017 is reversed. The employer has filed a timely appeal from that Statement of Charges and, based on the unemployment insurance decision dated June 27, 2017, reference 02, and the July 6, 2017 corrected monetary record, the Statement of Charges is incorrect.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/rvs