

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KAITLYN M KAUFMANN
Claimant

SEDONA STAFFING INC
Employer

APPEAL 20A-UI-12117-NM-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 05/31/20
Claimant: Respondent (2)**

Iowa Code § 96.6(2) – Timeliness of Protest

STATEMENT OF THE CASE:

On October 1, 2020, the employer filed an appeal from the September 24, 2020, (reference 03) unemployment insurance decision that allowed benefits based on a determination that found the protest to be untimely. The parties were properly notified about the hearing. Because the issue appealed was resolved administratively prior to the hearing in the appellant's favor (see the reference 02 and reference 06 unemployment insurance decisions), no testimony was necessary and no hearing was held.

ISSUE:

Should the unemployment insurance decision be affirmed?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The decision appealed has been resolved administratively prior to the hearing in the appellant's favor. See unemployment insurance representative's decisions reference 02 and reference 06.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the representative's decision should be reversed.

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.

Another portion of this same Code section dealing with timeliness of an appeal from a representative's decision states that such an appeal must be filed within ten days after notification of that decision was mailed. In addressing an issue of timeliness of an appeal under

that portion of this Code section, the Iowa Supreme Court held that this statute prescribing the time for notice of appeal clearly limits the time to do so, and that compliance with the appeal notice provision is mandatory and jurisdictional. *Beardslee v. IDJS*, 276 N.W.2d 373 (Iowa 1979).

Since the decision appealed has been resolved administratively in favor of the appellant, the original representative's decision bearing reference 03 is reversed.

DECISION:

The September 24, 2020, (reference 03) decision is reversed.



Nicole Merrill
Administrative Law Judge

October 21, 2020
Decision Dated and Mailed

nm/sam

NOTE TO CLAIMANT:

- This decision determines you are not eligible for regular unemployment insurance benefits under state law. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.
- If you do not qualify for regular unemployment insurance benefits under state law and are currently unemployed for reasons related to COVID-19, you may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** For more information on how to apply for PUA, go to <https://www.iowaworkforcedevelopment.gov/pua-information>. **If you do not apply for and are not approved for PUA, you may be required to repay the benefits you've received so far.**