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

TAMARA MANKER
Claimant

APPEAL NO. 20A-UI-01238-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

RJ TIDE CONSTRUCTION COMPANY INC
Employer

OC: 11/24/19
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 February 7, 2020, reference 00, which assessed charges for the fourth quarter of 2019. After due notice, a telephone conference hearing was scheduled for and held on February 27, 2020. Claimant participated personally. Employer participated by Matt Billings and Tom Anderson.

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 February 7, 2020. The employer appealed the statement of charges on the basis that they never received a Notice of Claim.

Employer registered with Iowa Workforce Development to receive information via the SIDES /SOFIA system on August 19, 2014. The employer email address listed is Melynda@rjtide.com. The Notice of Claim was emailed to that address on November 26, 2019 and a response due date was December 6, 2019. Employer did not respond to the Notice of Claim sent through the SIDES/SOFIA system.

Employer's first response was after receiving the February 7, 2020 Statement of Charges. Employer promptly responded in a timely manner after receiving this statement.

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 it was created after employer did not timely respond within 10 days of the sending of the Notice of Claim to the email address employer had set up to receive the information. Employer may wish to amend the email address listed, or add an additional email address, or remove itself from the system to avoid future potential difficulties.

DECISION:

The statement of charges dated February 7, 2020, reference 00, is affirmed. The statement of charges is correct as employer did not timely protest the underlying matter.

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Blair A. Bennett
Administrative Law Judge

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Decision Dated and Mailed

bab/scn