

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

FRANK V BREITBACH
Claimant

MERCY HEALTH SERVICES-IOWA CORP
Employer

APPEAL 18A-UI-02106-CL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 10/22/17
Claimant: Respondent (1R)

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

STATEMENT OF THE CASE:

The employer filed an appeal from the Statement of Charges dated January 29, 2018, for benefits and interest through December 31, 2017. A hearing was scheduled for March 13, 2018. Based on a review of the evidence supplied by employer in its appeal letter and contained in the administrative record, the administrative law judge determined a decision could be made without testimony and no hearing was held.

ISSUES:

Was the employer's 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: On February 23, 2017, Iowa Workforce Development determined that employer's account number 104395 is a successor of employer's account number 313917. Claimant has earned wages paid under both account numbers, but was at all times working for the same employer.

Claimant filed a claim effective October 22, 2017. An October 30, 2017, (reference 02) unemployment insurance decision was issued finding claimant eligible for benefits and relieving employer (account number 313917) from being charged for those benefits. On January 29, 2018, employer was sent a statement of charges including charges for claimant's benefits. Employer filed its appeal on February 9, 2018.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the employer filed a timely appeal from the Statement of Charges.

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 within thirty days is timely. The agency has found that claimant is eligible for benefits and the employer should not be charged for benefits in its reference 02 decision. That decision has become final and has not been amended. Employer's next Statement of Charges should be credited accordingly.

DECISION:

The appeal of the January 29, 2018, Statement of Charges for charges and interest through December 31, 2017 is timely. The Statement of Charges is affirmed pending a credit on employer's account for all charges related to claimant. Claimant remains eligible for benefits.

REMAND:

This matter is remanded to the Iowa Workforce Development Chargeback Unit for employer's account (104395) to be credited for all charges and interest relating to claimant appearing on its Statements of Charges in accordance with the agency's October 30, 2017, (reference 02) unemployment insurance decision.

Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
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Decision Dated and Mailed

cal/scn