

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

WOUNBE C BAOULIN AWATA
Claimant

R J PERSONNEL INC
Employer

APPEAL 17A-UI-08580-JP-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/19/17
Claimant: Respondent (2R)

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

STATEMENT OF THE CASE:

The employer filed an appeal from the Statement of Charges mailed August 9, 2017 for the quarter ending June 30, 2017. A hearing was scheduled and held on September 7, 2017, pursuant to due notice. Claimant participated. CTS Language Link Interpreter ID number 10686 interpreted on claimant's behalf. The employer participated by account manager Mike Thomas. Official notice was taken of the administrative record with no objection.

ISSUES:

Is the employer's protest timely?

Is the employer's appeal from the Statement of Charges timely?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: According to the unemployment insurance decision dated August 17, 2017 (reference 01), the notice of claim contained a warning that the employer's protest response was due ten days from the initial notice date of March 22, 2017. The employer did not receive the notice of claim regarding claimant. The first notice the employer received regarding claimant's claim for benefits was the receipt of the Statement of Charges mailed August 9, 2017, for the second quarter of 2017. The statement of charges showed benefits charged to the employer in the amount of \$126.99 for claimant. After the employer received the statement of charges, it took a couple of days to review it to make sure the charges were correct. The employer discovered claimant's name on the statement of charges, but it had not received a notice of claim for her. The employer appealed that Statement of Charges on August 16, 2017, which was within the thirty-day appeal deadline. The issue of the reason for the separation has not yet been investigated or adjudicated at the claims level.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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.

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 administrative law judge concludes that the employer filed its appeal of the Statement of Charges within the time period prescribed by the Iowa Employment Security Law because it did not receive the notice of claim indicating claimant had filed a claim for benefits. The employer's appeal of that Statement within thirty days is timely. The issues of the reason for the separation and requalification are remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

DECISION:

The Statement of Charges mailed August 9, 2017 for the quarter ending June 30, 2017 is reversed. The employer has filed a timely appeal from that Statement of Charges, as the Notice of Claim was not received.

REMAND: The issues of the reason for the separation and whether claimant has requalified for benefits are remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

Jeremy Peterson
Administrative Law Judge

Decision Dated and Mailed

jp/rvs