

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LORRAINE B HOLLAND
Claimant

APPEAL 22A-UI-00805-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

INTERSTATE 35 COMMUNITY SCH DIST
Employer

**OC: 11/07/21
Claimant: Respondent (2-R)**

Iowa Code § 96.6(2) - Timeliness of Protest

STATEMENT OF THE CASE:

The employer filed a timely appeal from the December 3, 2021, (reference 03) unemployment insurance decision that found the protest untimely and allowed benefits. After due notice was issued, a hearing was held at 3:00 p.m. on Monday, January 31, 2022. The claimant, Lorraine B. Holland, did not appear for the hearing and did not participate. The employer, Interstate 35 Community School District, participated by Ted Bauer, Business Manager and School Board Secretary. Employer's Exhibit 1 was received and admitted into the record. The administrative law judge took official notice of the administrative record, including the notice of claim and the statement of protest.

ISSUES:

Was the employer's protest timely?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant's notice of claim was mailed to employer's address of record on November 15, 2021, and was received by employer within ten days. Bauer personally received the document in the employer's office. The notice of claim contains a warning that the employer protest response is due ten days from the initial notice date and gave a response deadline of November 29, 2021. When Bauer received the document, he began gathering responsive documentation and preparing the protest. The employer filed its protest on November 29, 2021.

REASONING AND CONCLUSIONS OF LAW:

The sole issue is whether employer's protest is timely. The administrative law judge concludes it is.

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.

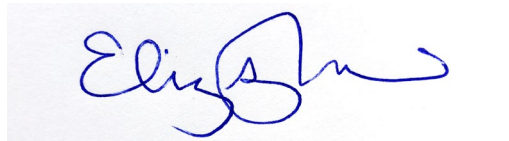
The law provides that all interested parties shall be promptly notified about an individual filing a claim. The parties have ten days from the date of mailing the notice of claim to protest payment of benefits to the claimant. Iowa Code § 96.6(2).

The employer filed a protest in a timely manner on November 29, 2021. It has provided ample evidence to this effect. Therefore, the protest shall be accepted as timely.

DECISION:

The December 3, 2021, (reference 03) unemployment insurance decision is reversed. The employer filed a timely protest.

REMAND: The separation issue is remanded to the Benefits Bureau of Iowa Workforce Development for a fact-finding interview and unemployment insurance decision.



Elizabeth A. Johnson
Administrative Law Judge
Unemployment Insurance Appeals Bureau

February 17, 2022
Decision Dated and Mailed

lj/lj