

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

CARL J HERNANDEZ
Claimant

APPEAL NO: 19A-UI-04782-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

SEDONA STAFFING INC
Employer

OC: 04/21/19
Claimant: Respondent (2-R)

Section 96.6-2 - Timeliness of Protest

STATEMENT OF THE CASE:

The employer appealed from the June 10, 2019, reference 04, decision that concluded it failed to file a timely protest regarding the claimant's separation of employment on April 19, 2019, and no disqualification of unemployment insurance benefits was imposed. A hearing was scheduled and held on July 9, 2019, pursuant to due notice. The claimant did not respond to the hearing notice and did not participate in the hearing. Colleen McGuinty, Unemployment Insurance Administrator, participated in the hearing on behalf of the employer. Department's Exhibit D-1 and Employer's Exhibit One were admitted to the record.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant's notice of claim was mailed to the employer's address of record on April 29, 2019. The employer faxed its protest to the correct number at 11:30 a.m. May 2, 2019 (Employer's Exhibit One). There are issues regarding the claimant's separation from this employer that have not yet been investigated or adjudicated at the claims level.

REASONING AND CONCLUSIONS OF LAW:

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.

The administrative law judge concludes that the employer filed its protest within the time period prescribed by the Iowa Employment Security Law because it faxed it to the correct number May 2, 2019, which was six days before the due date. The issue of the claimant's separation from this employer is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

DECISION:

The June 10, 2019, reference 04, decision is reversed. The employer has filed a timely protest. The issue of the claimant's separation from this employer is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn