

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TIMOTHY L BALSTER**  
Claimant

**APPEAL NO. 19A-UI-09718-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MAXWELL TRANSMISSION LLC**  
Employer

**OC: 11/25/18**  
**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 August 9, 2019, reference 05, which assessed charges for the Second quarter of 2019. After due notice, a telephone conference hearing was scheduled for and held on January 7, 2020. Employer participated by Brad Maxwell. Claimant failed to respond to the hearing notice and did not participate.

**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 August 9, 2019. The employer appealed the statement of charges on the basis that the claimant had worked another job when he was claiming benefits.

Employer acknowledged that the address listed on the statement of charges is the address where they receive mail. Employer stated that they might have received the statement, but overlooked acting on it in a timely basis.

**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 upheld as employer did not appeal the statement of charges within thirty days of the date of receipt of the statement of charges. The statement of charges was mailed to employer's correct address on or about August 9, 2019, and was not appealed until December 3, 2019.

**DECISION:**

The statement of charges dated August 9, 2019, reference 05, is affirmed. The statement of charges is held to still be in effect as employer did not timely appeal the statement of charges.

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Blair A. Bennett  
Administrative Law Judge

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Decision Dated and Mailed

bab/scn