

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**MELISSA T ANDRESEN**  
Claimant

**MUELLER SERVICES INC**  
Employer

**APPEAL 21A-UI-01012-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 07/05/20**  
**Claimant: Respondent (1R)**

Iowa Code § 96.6(2) – Timeliness of Protest  
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 November 9, 2020, for the third quarter of 2020. A hearing was scheduled and held on February 16, 2021, pursuant to due notice. Claimant did not register for the hearing and did not participate. Employer participated through human resource generalist Jordan Johnson.

**ISSUES:**

Was the employer's protest timely?  
Was 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: Claimant filed a claim for unemployment insurance benefits with an effective date of July 5, 2020.

On July 14, 2020, Iowa Workforce Development (IWD) mailed a notice of claim to employer's last address of record. Employer received the notice of claim within ten days and filed a timely protest via fax. Employer did not get a message that its fax transmission was unsuccessful, but Iowa Workforce Development did not receive the fax.

Employer's first notice of charges for the benefits was the receipt of the Statement of Charges mailed November 9, 2020, for the third quarter of 2020. The employer filed its appeal of that Statement of Charges on November 16, 2020. Employer protested on the basis that claimant voluntarily resigned effective July 9, 2020.

**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 96.6(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 and it filed a timely protest. The issue of whether claimant is disqualified from receiving unemployment insurance benefits based on her separation from employment is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

**DECISION:**

The November 9, 2020, Statement of Charges for the third quarter of 2020 is affirmed pending a determination on whether claimant is qualified to receive benefits or has requalified for benefits. The employer has filed a timely appeal from that Statement of Charges and a timely protest.

**REMAND:**

The issue of whether claimant is disqualified from receiving unemployment insurance benefits based on her separation from employment is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.



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Christine A. Louis  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515)478-3528

February 26, 2021  
Decision Dated and Mailed

cal/kmj