

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

COURTNEY M WILLIAMSON
Claimant

APPEAL NO: 09A-UI-02896-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ZIMMERMAN-LAURENT & RICHARDSON
Employer

OC: 07/20/08
Claimant: Respondent (4)

Section 96.7-2-a(2) – Charges to Employer’s Account
Section 96.7-2-a(6) – Timeliness of Protest

STATEMENT OF THE CASE:

The employer appealed an unemployment insurance decision dated February 13, 2009, reference 01, that concluded it had failed to file a timely protest regarding the claimant’s separation of employment. A telephone hearing was held on March 19, 2009. Proper notice of the hearing was given to the parties. The claimant participated in the hearing. James Anfinson participated on behalf of the employer.

ISSUE:

Did the employer file a timely protest of the claim?
Is the employer’s account subject to charge?

FINDINGS OF FACT:

The claimant worked for the employer as a junior art director from October 16, 2006, to August 10, 2007. She voluntarily quit her employment to pursue employment opportunities in another state. She filed a claim for unemployment insurance benefits in July 2008 as a combined wage claim with Minnesota as the paying state.

A notice of wage transfer was mailed to the employer’s address of record on July 23, 2008, but was never received by the employer. The notice of claim stated that any protest of the claim had to be faxed or postmarked by the due date of August 4, 2008. The employer protested the claim on February 11, 2009, after receiving a quarterly statement of benefit charges dated February 9, 2009.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the employer filed a timely protest of the claimant’s claim for unemployment insurance benefits. Iowa Code section 96.7-2-a(6) provides an employer that has not received a notice of claim may appeal a quarterly statement of benefit charges within 30 days after the date of mailing of the quarterly statement.

The employer in this case did not receive notice of the claim filed by the claimant in July 2008. It filed a timely appeal from the quarterly statement of benefit charges.

Iowa Code section 96.7-2-a(2) provides that the amount of benefits paid to an eligible person shall be charged against the account of the employers in the base period unless the person has been discharged for work-connected misconduct or voluntarily quit employment without good cause attributable to the employer or refused suitable work without good cause. The employer's account is exempt from charge since the claimant voluntarily quit employment without good cause attributable to the employer.

DECISION:

The unemployment insurance decision dated February 13, 2009, reference 01, is affirmed. The employer's protest is deemed timely. The employer's account is exempt from charge for benefits paid to the claimant.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs