

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RONALD A MUHAMMAD
Claimant

APPEAL 17A-UI-08707-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

ARNOLD REFRIGERATION INC
Employer

**OC: 03/19/17
Claimant: RESPONDENT (4)**

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 August 21, 2017, (reference 02) unemployment insurance decision that allowed benefits and found the employer's account subject to charges. The parties were properly notified about the hearing. A telephone hearing was held on September 14, 2017. Claimant participated. Employer participated through Teresa Arnold, Corporate Secretary/part-owner and Lorri Keithly, Bookkeeper. Employer's Exhibit 1 was entered and received into the record.

ISSUES:

Did the employer file a timely notice of protest?
Did the employer file a timely appeal to the Statement of charges?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The notice of claim was e-mailed to the incorrect e-mail address for the employer in March 2017. Prior to that time, the employer had made numerous attempts to have their e-mail address changed to the correct one but the agency SIDES system continued to send the notices of claim to the incorrect e-mail address. On August 15, the employer received a Statement of Charges mailed on August 9. On August 15, 2017, the employer immediately filed an appeal as the Statement of Charges was the first indication they had received that their account would be subject to charges. The claimant has requalified for benefits since the separation from the employer.

REASONING AND CONCLUSIONS OF LAW:

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 because it did not receive the notice of claim indicating the claimant had filed a claim for benefits. The employer's appeal of that Statement of Charges within thirty days is timely. The administrative law judge further concludes that the claimant has requalified for benefits since the separation from this employer. Accordingly, benefits are allowed and the account of the employer shall not be charged.

DECISION:

The August 21, 2017, (reference 02) unemployment insurance decision and the August 9, 2017 Statement of Charges for the second quarter of 2017 are modified in favor of the appellant. The employer has filed a timely appeal from that Statement of Charges, as the Notice of Claim was not received. The claimant has requalified for benefits since the separation. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer (account number 194923) shall not be charged.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/rvs