

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CECILIA RODRIGUEZ ORDAZ
Claimant

APPEAL NO. 20A-UI-04792-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

LA CARRETA MEXICAN GRILL LLC
Employer

OC: 03/01/20
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 May 8, 2020, reference 04, which assessed charges for the first quarter of 2020. After due notice, a telephone conference hearing was scheduled for and held on June 17, 2020. Claimant participated personally. Employer participated by Alfonso Medina and Donnie Benda.

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 May 8, 2020. The employer appealed the statement of charges on the basis that claimant had voluntarily quit her job.

Employer stated that documents are sent to his parents' house and that his parents have been out of town for large periods. Employer and his witness stated that documents are consistently forwarded from the parents' house to employer, but these documents were not received. Therefore, employer surmised that he had never received the Notice of claim for claimant.

Research shows the employer signed up with IWD to receive Notices through electronic means. On January 7, 2020 employer registered to receive Notices and have them sent to rbarron@cbtindy.com. On March 2, 2020 an electronic Notice of Claim was sent to this address. This notice was not protested in a timely manner.

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 correct because employer received notice of claimant's filing of an original claim through the means requested by employer. As employer did not respond to this notice, IWD was correct in assessing charges against employer.

DECISION:

The statement of charges dated May 8, 2020, reference 04, is affirmed. The statement of charges is correct.



Blair A. Bennett
Administrative Law Judge

June 30, 2020
Decision Dated and Mailed

bab/sam