

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

PAIGE L MCCORD

Claimant

APPEAL 21A-UI-01757-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

GRAPTREE MEDICAL STAFFING INC

Employer

OC: 08/16/20

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 November 9, 2020, Statement of Charges for the third quarter of 2020 that included charges for claimant's unemployment insurance benefits. The parties were properly notified about the hearing. A telephone hearing was held on February 24, 2021. Claimant participated. Employer participated through Elizabeth Soper.

ISSUES:

Is the employer's protest timely?

Did the employer timely appeal the Statement of Charges?

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 August 16, 2020.

Employer previously signed up to receive electronic notices of claim through the State Information Data Exchange System (SIDES). Employer provided Iowa Workforce Development with the email address "hr@grapetree.com" as the exclusive contact to receive notification that a claim for unemployment insurance benefits has been filed.

On August 22, 2020, Iowa Workforce Development sent employer an email alert of the notice of claim in the SIDES system. The notice of claim states that a response is due by September 3, 3030. Employer did not receive the email.

On November 9, 2020, Iowa Workforce Development mailed employer a statement of charges for the third quarter of 2020, which included charges for claimant's unemployment insurance benefits. Employer filed an appeal on November 17, 2020.

Employer is protesting on the basis that claimant was on a voluntary leave of absence during the time period in question.

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 within thirty days is timely.

The issue of whether claimant is eligible for benefits will be 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 eligible for benefits. The employer has filed a timely appeal from that Statement of Charges, as the Notice of Claim was not received.

REMAND:

The issue of whether claimant is eligible to receive unemployment insurance benefits based on her availability for work is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.



Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
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March 4, 2021
Decision Dated and Mailed

cal/mh