

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

VICKY M COMBS
Claimant

APPEAL NO. 17A-UI-06205-TNT

**ADMINISTRATIVE LAW JUDGE
DECISION**

DOLGENCORP LLC
Employer

OC: 12/04/16
Claimant: Respondent (2R)

Iowa Code Section 96.6(2) – Timeliness of Protest

STATEMENT OF THE CASE:

Dolgencorp LLC, the employer, filed an appeal from a representative's decision dated June 7, 2017, reference 03, which held that the protest concerning Vicky M. Combs' separation on December 2, 2016 was not timely filed. After due notice was issued, a telephone hearing was held on July 5, 2017. Although duly notified, the claimant did not participate. The employer participated by Ms. Tilina Davison, Unemployment Insurance Specialist.

ISSUE:

At issue in this matter is whether the employer filed a timely protest as required by law.

FINDINGS OF FACT:

The administrative law judge, having considered all of the evidence in the record, finds that: The claimant's notice of claim was sent to the employer via SIDES notice and the employer returned a protest on the claim via the SIDES notice system on December 16, 2016, within ten days of the initial date that the employer was provided notice that a claim had been filed.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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.

The administrative law judge concludes the employer effected a timely protest within the time prescribed by the Iowa Employment Security Law by responding to the notice of claim filed using the SIDES notice system. The administrative law judge concludes that the protest was not delayed by the employer, but may have taken place due to a communication error within the agency due to a systems error.

The evidence in the record establishes sufficient evidence of the employer's intent to protest any potential charges to its account. The issue of Vicky Combs' separation from employment is remanded to the benefits bureau of Iowa Workforce Development for initial investigation and determination.

DECISION:

The decision of the representative dated June 7, 2017, reference 03, is reversed. The employer has filed a timely protest. The separation issue is remanded to the benefits bureau of Iowa Workforce Development for initial investigation and determination.

Terry P. Nice
Administrative Law Judge

Decision Dated and Mailed

rvs/rvs