

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ROBERT L WIAND
Claimant

C&K HEATING & AIR CON
Employer

APPEAL 18A-UI-07390-CL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/09/17
Claimant: Respondent (4)

Iowa Code § 96.7(2)a(6) – Appeal from the Statement of Charges

STATEMENT OF THE CASE:

The employer filed an appeal from the Statement of Charges for the second quarter of 2018 that was mailed on July 6, 2018. The parties were properly notified about the hearing. A telephone hearing was scheduled for August 3, 2018. After reviewing the administrative record, the administrative law judge determined no additional testimony or evidence was necessary and no hearing was held.

ISSUES:

Did employer timely appeal the Statement of Charges?
Is the Statement of Charges correct?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed a claim effective April 9, 2017. On April 26, 2017, a reference 02 decision was issued finding claimant earned ten times his weekly benefit amount since separating from employment and stating employer “will not be charged for benefits paid.” That decision has become final.

On July 6, 2018, a statement of charges for the second quarter of 2018 was sent to employer including charges for claimant’s unemployment insurance benefits in the amount of \$65.97.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the employer filed a timely appeal from the Statement of Charges.

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 employer's appeal of that Statement within thirty days is timely. The agency has issued a decision finding employer will not be charged for claimant's benefits and that decision has become final. The Statement of Charges for the second quarter of 2018 including charges for claimant's benefits was issued in error. Employer's next Statement of Charges should be credited accordingly.

DECISION:

The appeal of the July 6, 2018, Statement of Charges for the second quarter of 2018 is timely. The Statement of Charges is modified in favor of employer and employer's account should be credited in the amount of \$65.97. This decision does not affect claimant's eligibility for benefits.

Christine A. Louis
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Decision Dated and Mailed

cal/scn