

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

PAUL E RANSOM

Claimant

REGIONAL XII COUNCIL OF GOVT

Employer

APPEAL 18A-UI-11723-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/29/18

Claimant: Respondent (1R)

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 dated November 9, 2018, reference 03, for the third quarter of 2018. A hearing was scheduled and held on December 20, 2018, pursuant to due notice. Claimant participated. Employer participated through public transit director Tom Feldman.

ISSUES:

Was the employer's appeal from the Statement of Charges timely?
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 for unemployment insurance benefits with an effective date of April 29, 2018. Employer filed a protest and a reference 01 decision was issued denying claimant benefits based on his availability for work. Claimant appealed the decision. A hearing with an administrative law judge was held on June 13, 2018. Both parties participated. On June 15, 2018, the administrative law judge issued a decision denying benefits until June 2, 2018, and allowing benefits effective June 3, 2018. Claimant appealed the decision. On July 9, 2018, the Employment Appeal Board affirmed the decision.

Employer did not appeal the administrative law judge's decision because it assumed claimant was only allowed benefits during the weeks it did not offer claimant work. Claimant was back at work as of the date of the hearing with the administrative law judge. Claimant continued to file weekly continued claims and received partial benefits even after he returned to work. Claimant accurately reported that he was still working and reported earning wages each week. However, it appears claimant may have been reporting his net weekly wages as opposed to his gross weekly wages.

REASONING AND CONCLUSIONS OF LAW:

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.

In this case, employer had previous notice of the claim. It did not appeal the administrative law judge's decision that allowed benefits and that decision was affirmed by the Employment Appeal Board and has become final. This administrative law judge does not have legal authority to disturb those decisions.

DECISION:

The November 9, 2018, reference 03, Statement of Charges for the third quarter of 2018, is affirmed. The employer had previous notice of the claim and did not timely appeal the administrative law judge's decision that allowed benefits. The charges shall remain in full force and effect pending further agency action.

REMAND:

Claimant has claimed unemployment insurance benefits through the week ending October 20, 2018. Claimant reported earning wages when making weekly continued claims, but it appears he may have been reporting his net weekly income as opposed to his gross weekly income. This matter is remanded for further inquiry on whether claimant accurately reported his wages.

Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

Decision Dated and Mailed

cal/scn