

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**CALEB A MOODY**  
Claimant

**APPEAL NO: 19A-UI-06097-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DARE FITNESS LLC**  
Employer

**OC: 06/23/19**  
**Claimant: Respondent (2-R)**

Section 96.6-2 - Timeliness of Protest

**STATEMENT OF THE CASE:**

The employer appealed from the July 25, 2019, reference 04, decision that concluded it failed to file a timely protest regarding the claimant's separation of employment and no disqualification of unemployment insurance benefits was imposed. A hearing was scheduled and held on August 23, 2019, pursuant to due notice. The claimant participated in the hearing. Angie Fuller, Owner, participated in the hearing on behalf of the employer. Department's Exhibit D-1 was admitted to the record.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant's notice of claim was mailed to the employer's address of record on June 26, 2019. The employer did not receive the protest until July 15, 2019, and filed its protest on July 16, 2019. The claimant has not separated from employment with Dare Fitness and there are issues regarding that which have not yet been investigated or adjudicated at the benefits level. He did separate from his full-time employer, Mud Advertising, and that issue has been heard and adjudicated at the benefits level.

**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 that the employer filed its protest within the time period prescribed by the Iowa Employment Security Law because it filed it when it received it. The issue of the claimant's separation from this employer is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

**DECISION:**

The July 25, 2019, reference 04, decision is reversed. The employer has filed a timely protest. The issue of the claimant's separation from this employer is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

---

Julie Elder  
Administrative Law Judge

---

Decision Dated and Mailed

je/scn