

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

HAILEY M ENNIS
Claimant

JAI GURU DATTA INC
Employer

APPEAL 21A-UI-01233-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/26/20
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 Statement of Charges dated November 9, 2020, for the third quarter of 2020. A hearing was scheduled and held on February 17, 2021, pursuant to due notice. Claimant did not register for the hearing and did not participate. Employer participated through general manager Pritesh Patel. Employer's Exhibit 1 was received.

ISSUES:

Was the employer's protest timely?
Was the employer's appeal from the Statement of Charges timely?

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 26, 2020.

On August 14, 2020, Iowa Workforce Development mailed a notice of claim to the employer's last address of record. Employer received the notice. On August 17, 2020, employer filed a protest by emailing uicclaimshelp@iwd.iowa.gov. In its protest, employer indicated claimant was discharged for misconduct on January 5, 2020.

Iowa Workforce Development did not issue a decision on whether claimant was eligible for unemployment benefits based on her separation from unemployment.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the employer timely protested the claim.

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.

Since employer timely protested the claim, the issue of whether it timely appealed the statement of charges is moot. The issue of whether claimant is disqualified from receiving unemployment insurance benefits based on her separation from employment 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 qualified to receive benefits or has requalified for benefits. The employer has filed a timely protest.

REMAND:

The issues of the reason for the separation and whether the claimant has requalified for benefits and the employer should be relieved of charges for the benefits are 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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February 26, 2021
Decision Dated and Mailed

cal/scn