

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JAMISON R WHITE
Claimant

OUTSIDERS PUB LLC
Employer

APPEAL 17A-UI-11268-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 09/17/17
Claimant: Respondent (2R)

Iowa Code § 96.6(2) - Timeliness of Protest

STATEMENT OF THE CASE:

The employer filed a timely appeal from the October 26, 2017, (reference 04), decision that allowed benefits and found the protest untimely. After due notice was issued, a hearing was held on November 21, 2017. The claimant did not participate. The employer did participate through Brian Hill, Owner. Department's Exhibit D-1 was received.

ISSUE:

Did the employer file a timely notice of protest?

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 accountant's address of record on September 26, 2017. The employer's accountant did not receive the notification until well after the deadline for filing an appeal has passed. The employer established long well documented problems with timely mail delivery in his area of the state. The employer filed the notice of protest on November 12, 2017. The issue of whether the claimant voluntarily quit his part time employment has not yet been investigated or adjudicated at the claims level.

REASONING AND CONCLUSIONS OF LAW:

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.

The administrative law judge concludes that the employer filed its protest within the time period prescribed by the Iowa Employment Security Law because it did not received the notice of claim in a timely manner due to post office delay in delivery. The employer filed immediately when

they actually received the notice of claim. This is sufficient evidence of intent to protest any potential charges to its account. The employer's protest is deemed timely.

REMAND:

The issue of whether the claimant voluntarily quit his part time employment is remanded to the claims section of Iowa Workforce Development for an initial investigation and determination.

DECISION:

The October 26, 2017, (reference 04), decision is reversed. The employer has filed a timely protest.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/rvs