

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CHRISTINA M HOFSTETTER
Claimant

DOUBLE EAGLE GOLF INC
Employer

APPEAL 21A-UI-01351-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/15/20
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 18, 2021, pursuant to due notice. Claimant did not register for the hearing and did not participate. Employer participated through treasurer, Melodee Kennedy.

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 March 15, 2020. On March 23, 2020, Iowa Workforce Development mailed a notice of claim to the employer's last address of record. The notice warned that a protest was due by April 2, 2020. Employer received the notice of claim and filed a protest by fax on March 25, 2020. Iowa Workforce Development did not receive the protest. Employer did not get any message that its fax transmission had failed.

Employer did not receive its statement of charges for the second quarter of 2020.

Employer's first notice that it was being charged for claimant's unemployment insurance benefits was the third quarter of statement of charges for 2020 that was mailed on November 9, 2020. Employer appealed the statement of charges on November 12, 2020.

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.

The employer filed a protest in a timely manner on March 25, 2020, but the agency did not receive the fax transmission. Immediately upon receipt of information to that effect, the employer filed an appeal. Therefore, the protest shall be accepted as timely.

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 timely protested the claim, but the protest was not received.

REMAND:

The issue of whether claimant's separation from employment disqualifies her from receiving unemployment insurance benefits is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.



Christine A. Louis
Administrative Law Judge
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March 1, 2021
Decision Dated and Mailed

cal/mh