

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**PAMELA J WILD**  
Claimant

**SHUEY INVESTMENTS LLC**  
Employer

**APPEAL 19A-UI-00169-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 12/02/18**  
**Claimant: Respondent (2R)**

Iowa Code § 96.6(2) - Timeliness of Protest

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the January 4, 2019, (reference 02) decision that allowed benefits and found the protest untimely. No hearing was held as there was sufficient evidence in the appeal letter and accompanying documents to resolve the matter without testimony.

**ISSUE:**

Did the employer file a timely 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 address of record on December 4, 2018. The postmark on the envelope the employer returned their notice of protest in is December 10, 2018. The employer's notice of protest was not due until December 14, 2018. Employer filed a timely protest. The issue of claimant's separation from 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 the postmark on the envelope is December 10, 2018, four days prior to December 14, 2018 when the notice of protest was due.

The issue of claimant's separation from employment is remanded to the claims section of Iowa Workforce Development for an initial investigation and determination.

**DECISION:**

The January 4, 2019, (reference 02), decision is reversed. The employer has filed a timely protest.

**REMAND:**

The separation issue delineated in the findings of fact is remanded to the claims section of Iowa Workforce Development for an initial investigation and determination.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

tkh/rvs