

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOLENE M JACOBSON
Claimant

WINNEBAGO INDUSTRIES
Employer

APPEAL 18A-UI-08728-H2T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 02/11/18
Claimant: Respondent (2)

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 mailed on July 16, 2018 for the first quarter of 2018. The parties were properly notified about the hearing. A telephone hearing was scheduled to be held on September 6, 2018. A review of Iowa Workforce Development records as well as the appeal documents submitted by the employer revealed that no additional testimony was necessary and no hearing was held.

ISSUE:

Did the employer file a timely appeal to the first quarter statement of charges?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: On April 4, 2018 an administrative law judge decided in appeal 18A-UI-03148-DGT that the claimant was not eligible for benefits and that the employer's account could not be charged for benefits paid to the claimant. The Employment Appeal Board (EAB) affirmed the decision on May 8, 2018. The EAB decision was not appealed and has become final. The employer should not be charged for any benefits paid to Mr. Jacobson.

The employer was mailed a statement of charges on July 16, 2018. They filed an appeal to the statement of charges on August 15, 2018. The employer has filed a timely appeal to the statement of charges.

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.

Iowa Code section 96.7(2)a(6) provides:

2. Contribution rates based on benefit experience.

a. (6) Within forty days after the close of each calendar quarter, the department shall notify each employer of the amount of benefits charged to the employer's account during that quarter. The notification shall show the name of each individual to whom benefits were paid, the individual's social security number, and the amount of benefits paid to the individual. An employer which has not been notified as provided in section 96.6, subsection 2, of the allowance of benefits to an individual, may within thirty days after the date of mailing of the notification appeal to the department for a hearing to determine the eligibility of the individual to receive benefits. The appeal shall be referred to an administrative law judge for hearing and the employer and the individual shall receive notice of the time and place of the hearing.

The administrative law judge concludes that the employer filed its appeal of the Statement of Charges within the time period prescribed by the Iowa Employment Security Law because it had already received a decision from the EAB that found they were not liable for any unemployment insurance benefits paid to the claimant. The employer's appeal of that Statement within thirty days is timely. Accordingly, the account of the employer shall not be charged for any benefit paid to this claimant. The employer shall be given a credit for all charges for this claimant on their next quarterly statement of charges.

DECISION:

The Statement of Charges for the first quarter of 2018 is reversed as far as any charges for the employer for this claimant. The EAB has issued a decision that has become final that relieved the employer of any benefit charges for this claimant. The employer has filed a timely appeal from that Statement of Charges. The account of the employer shall be given a credit on their next quarterly statement of charges.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/rvs