

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**BRITTANY HORKHEIMER**  
Claimant

**APPEAL 17A-UI-11049-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HILLCREST FAMILY SERVICES**  
Employer

**OC: 09/03/17  
Claimant: Respondent (1R)**

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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 October 15, 2017, for benefits and interest through September 30, 2017. A hearing was scheduled for November 14, 2017. Based on a review of the evidence supplied by employer in its appeal letter and contained in the administrative record, the administrative law judge determined a decision could be made without testimony and no hearing was held.

**ISSUES:**

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

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed a claim effective September 3, 2017. On September 14, 2017, the Iowa Workforce Development (IWD) Unemployment Insurance Benefits Bureau issued a reference 02 decision finding claimant is eligible for benefits and employer should not be charged for those benefits. That decision has become final and IWD has issued nothing further that would amend the decision in any way.

On October 15, 2017, a Statement of Charges for benefits and interest through September 30, 2017, was sent to employer including charges for claimant's benefits in the amount of \$78.98. Employer filed an appeal on October 30, 2017.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the employer filed a timely appeal from the Statement of Charges.

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 employer's appeal of the Statement of Charges within thirty days is timely. The agency has found that claimant is eligible for benefits and the employer should not be charged for benefits in its reference 02 decision. That decision has become final and has not been amended. Employer's next Statement of Charges should be credited accordingly.

**DECISION:**

The appeal of the October 15, 2017, Statement of Charges for charges and interest through September 30, 2017 is timely. The Statement of Charges is affirmed pending a credit on employer's account for all charges related to claimant. Claimant remains eligible for benefits.

**REMAND:**

This matter is remanded to the Iowa Workforce Development Chargeback Unit for employer's account (069782) to be credited for all charges and interest relating to claimant appearing on its Statements of Charges in accordance with the agency's September 14, 2017 (reference 02) unemployment insurance decision.

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Christine A. Louis  
Administrative Law Judge  
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Decision Dated and Mailed

cal/rvs