

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

URSULA M MIERS
Claimant

HY-VEE INC
Employer

APPEAL 16A-UI-06932-CL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/06/16
Claimant: Respondent (2R)

Iowa Code § 96.6(2) - Timeliness of Protest

STATEMENT OF THE CASE:

The employer filed an appeal from the June 13, 2016, (reference 01) unemployment insurance decision that found employer's protest untimely. The parties were properly notified about the hearing. A telephone hearing was held on July 11, 2016. Claimant participated. Employer participated through Stacey Lopez with Corporate Cost Control. Employer's Exhibit 1 was received.

ISSUE:

Was the employer's protest timely?

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 March 15, 2016. On March 16, 2016, the employer filed its protest electronically using the unemployment insurance state information data exchange system. For an unknown reason, the agency did not receive employer's protest.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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 16, 2016 but the agency did not receive the protest for some unknown reason. Employer timely submitted a protest.

DECISION:

The June 13, 2016, (reference 01) unemployment insurance decision is reversed. The employer filed a timely protest.

REMAND:

This matter is remanded for an initial determination regarding whether claimant's separation from employer disqualifies her from receiving unemployment insurance benefits.

Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

Decision Dated and Mailed

cal/pjs