

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**JACOB CARNES**  
Claimant

**OSKALOOSA FOOD PROD CORP**  
Employer

**APPEAL 21A-UI-15123-SN-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 01/03/21  
Claimant: Respondent (2R)**

Iowa Code § 96.6(2) - Timeliness of Protest

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the June 30, 2021, reference 01, decision that benefits and found the protest untimely. After due notice was issued, a hearing was held on August 26, 2021. The claimant did not participate. The employer did participate through Kate Clark. Exhibit D-1 and D-2 were received into the record.

**ISSUE:**

The issue is whether the employer's protest is 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 January 6, 2021. (Exhibit D-1) The employer did file its protest on January 19, 2021 at 3:22 p.m. (Exhibit D-2)

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes the employer filed a timely protest.

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 issuing the notice of the filing of the claim to protest payment of benefits to the claimant.


The employer provided a transmission report showing the facsimile transmission was sent on the final day, January 19, 2021. As a result, the employer's protest is timely.

**DECISION:**

The June 30, 2021, reference 01, 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.

A handwritten signature in black ink, appearing to read 'Sean M. Nelson', is shown within a rectangular frame.

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Sean M. Nelson  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515) 725-9067

August 31, 2021  
Decision Dated and Mailed

smn/ol