

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

EMILY A SMITH
Claimant

APPEAL 18A-UI-11235-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

HEGG MEMORIAL HEALTH CENTER
Employer

**OC: 07/01/18
Claimant: Respondent (1R)**

Iowa Code § 96.6(2) – Timeliness of Protest
Iowa Code § 96.7(8)B(4) – Application for Redetermination

STATEMENT OF THE CASE:

The employer filed an appeal from the notice of reimbursable benefit charges dated November 9, 2018, which listed reimbursable benefit charge information for the third quarter of 2018. Due notice was issued and a hearing was held on December 6, 2018. Claimant did not participate. Employer participated through human resource assistant Pam Maassen. Chief financial officer Bill Slater observed. Department's Exhibit D-1 was received. The administrative law judge took official notice of the administrative record.

ISSUES:

Is the employer's protest timely?
Did the employer timely appeal the notice of reimbursable charges?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed a claim for unemployment insurance benefits with an effective date of July 1, 2018. Iowa Workforce Development attempted to provide employer with a notice of claim in the SIDES system with an e-mail alert on July 6, 2018.

Employer did not receive the email alert because there is a blatant typographical error in the email address identified for employer in the SIDES system. Employer has very few employees who file for unemployment insurance benefits, so it was unaware of the typographical error.

Employer first became aware that claimant filed a claim for unemployment insurance benefits when it received the notice of reimbursable charges mailed by Iowa Workforce Development on November 9, 2018. Employer filed an appeal on November 14, 2018. Employer is protesting the claim on the basis that claimant voluntarily resigned on March 28, 2018.

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(8)B(4) provides:

8. Financing benefits paid to employees of nonprofit organizations.

b. Reimbursements for benefits paid in lieu of contributions shall be made in accordance with the following:

(4) The amount due specified in a bill from the department is conclusive unless, not later than fifteen days following the date the bill was mailed or otherwise delivered to the last known address of the nonprofit organization, the nonprofit organization files an application for redetermination with the department setting forth the grounds for the application. The department shall promptly review the amount due specified in the bill and shall issue a redetermination. The redetermination is conclusive on the nonprofit organization unless, not later than thirty days after the redetermination was mailed or otherwise delivered to the last known address of the nonprofit organization, the nonprofit organization files an appeal to the district court pursuant to subsection 5.

Iowa Code section 96.7(2)a(6), which applies to contributory employers, provides guidance in the situation here, which deals with a reimbursable employer. It states that an employer who did not receive notice of the claim may appeal to the department for a hearing to determine the eligibility of an individual to receive benefits.

The administrative law judge concludes that the employer did not receive notice of the claim due to the typographical error in the employer's email address. The administrative law judge further concludes that the employer's appeal of the notice of reimbursable charges within 15 days is timely.

Because the appeal is timely and employer never previously received notice of the claim, the issues of the reason for the separation and requalification are remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

DECISION:

The November 9, 2018 notice of reimbursable benefit charges for the third quarter of 2018 is affirmed, pending a determination on whether claimant is eligible for benefits and whether employer should be charged for those benefits.

REMAND:

The issues of whether claimant's separation from employment with employer on March 28, 2018, disqualifies the claimant from receiving benefits or whether claimant has requalified for benefits are remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

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/scn

NOTE TO EMPLOYER:

If you wish to correct your email address of record in the SIDES system, please send an email to iwd-sidesinfo@iwd.iowa.gov or call customer service at 866-239-0843.