

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

CORTEZ HUNTER
Claimant

APPEAL NO. 09A-UI-17375-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TYSON FRESH MEATS
Employer

**Original Claim: 01/04/09
Claimant: Appellant (1)**

Section 96.5(2)a – Discharge
Section 96.6-2 – Timeliness of Appeal

STATEMENT OF THE CASE:

The claimant, Cortez Hunter, filed an appeal from a decision dated October 14, 2009, reference 05. The decision disqualified him from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on December 30, 2009. The claimant participated on his own behalf. The employer, Tyson, did not provide a telephone number where a witness could be contacted and did not participate. Exhibit D-1 was admitted into the record.

ISSUE:

The issue is whether the appeal is timely.

FINDINGS OF FACT:

A disqualification decision was mailed to the claimant's last known address of record on October 14, 2009. The claimant received the decision. The decision contained a warning that an appeal must be postmarked or received by the Appeals Section by October 24, 2009. The appeal was not filed until November 16, 2009, which is after the date noticed on the decision.

The claimant moved from his address of record on September 14, 2009, but did not notify Iowa Workforce Development until November 16, 2009, of the change in address.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.6-2 provides in pertinent part:

The representative shall promptly examine the claim and any protest, take the initiative to ascertain relevant information concerning the claim, and, on the basis of the facts found by the representative, shall determine whether or not the claim is valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and its maximum duration, and whether any disqualification shall be imposed. . . . Unless the claimant or other interested party, after notification or within ten calendar days after

notification was mailed to the claimant's last known address, files an appeal from the decision, the decision is final and benefits shall be paid or denied in accordance with the decision.

The claimant did not file a timely appeal because he failed to timely notify Iowa Workforce Development of the change in his address. In fact, he did not notify IWD until two months after he had moved. He could not say with any certainty when he received the decision, or why he waited to notify IWD of his change in address. If he had done so in a timely manner, the decision would have been sent to the correct address. The administrative law judge found the claimant's testimony to be too contradictory, disjointed, and vague to give it any weight.

The claimant did not file a timely appeal due to his failure to keep his information current with this agency. It is entirely his responsibility to do so. The appeal cannot be accepted as timely due to this failure.

DECISION:

The decision of the representative dated October 14, 2009, reference 05, is affirmed. The appeal in this case was not timely, and the decision of the representative remains in effect. The claimant is disqualified for unemployment benefits.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw