

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CURTISS D STEINER
Claimant

APPEAL NO. 08A-UI-01143-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

JAI YOGESHWAR MOTEL INC
Employer

OC: 01-13-08 R: 03
Claimant: Respondent (4)

Iowa Code § 96.6(2) – Timeliness of Protest
Iowa Code Chapter 95 – Requalification

STATEMENT OF THE CASE:

The employer filed a timely appeal from the January 31, 2008, reference 02, decision that allowed benefits and found the employer's protest untimely. After due notice was issued, a hearing was held on February 18, 2008. The claimant did not participate. The employer did participate through Raj Patel, Owner.

ISSUE:

Did the employer file a timely notice of protest?

FINDINGS OF FACT:

Having reviewed 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 15, 2008. The employer did protest on January 29, 2008. The claimant has requalified for benefits since the separation from the employer.

The employer was called out of the country for a family emergency from January 5 through January 28. The employer was the only one responsible for the notice of claims. The employer filed the notice of protest immediately when he returned to the country.

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 administrative law judge concludes that the employer filed its protest within the time period prescribed by the Iowa Employment Security Law because they did file a notice of protest

immediately upon return to the country. This is sufficient evidence of intent to protest any potential charges to their account. The administrative law judge further concludes that the claimant has requalified for benefits since the separation from this employer. Accordingly, benefits are allowed and the account of the employer shall not be charged.

DECISION:

The January 31, 2008, reference 02, decision is modified in favor of the appellant. The employer has filed a timely protest, and the claimant has requalified for benefits since the separation. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer shall not be charged.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/css