

REASONING AND CONCLUSIONS OF LAW:

871 IAC 24.8(2)"d" provides:

The employing unit has the option of notifying the department under conditions which, in the opinion of the employing unit, may disqualify an individual from receiving benefits. The notification may be made by mail using Form 60-0154, Notice of Separation, or by telephone using a telephone number designated by the department.

(1) The Notice of Separation, Form 60-0154, must be postmarked or received before or within ten days of the date that the Notice of Claim, Form 65-5317, was mailed to the employer. In the event that the tenth day falls on Saturday, Sunday or holiday, the protest period is extended to the next working day of the department. *If a claim for unemployment insurance benefits has not been filed, the Notice of Separation may be accepted at any time.* (Emphasis added.)

In the instant case, the Claimant was eligible to receive benefits for the week he was laid off. His benefits presumably ended once he returned to work. Once the Claimant quit, the Employer appropriately filed a Notice of Separation, albeit after the 10 days allotted to file a protest of the Notice of Claim. There is nothing in the record to establish that Claimant filed an additional claim, which would have triggered action on Workforce's end. Since that appears not to have occurred (additional claim), then the Employer's Notice of Separation is deemed timely. And even if the additional claim was filed, and Workforce did not issue another Notice of Claim, then the Employer's protest would be also be deemed timely based on what we consider to be agency error. For this reason, this matter will be remanded to the Iowa Workforce Development Center, Claims Section, for a determination of the separation issue.

DECISION:

The administrative law judge's decision dated June 27, 2014 is **REVERSED AND REMANDED**. The decision of the administrative law judge is not vacated at this time, and remains in force unless and until the Department makes a differing determination pursuant to this remand. This matter is remanded to the Workforce Development Center, Claims Section, for a determination of the separation issue.

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