

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JARVIS J HOLSTON
Claimant

QPS EMPLOYMENT GROUP INC
Employer

APPEAL NO. 17A-UI-05983-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 04/16/17
Claimant: Appellant (2)**

Iowa Code Section 96.6(2) – Employer Protest

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated June 6, 2017, reference 03, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for June 26, 2017. Prior to the hearing being held, employer requested that its protest be withdrawn in this matter.

ISSUE:

The issue in this matter is whether employer's protest may be withdrawn.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Employer moved to withdraw its protest of claimant's original claim in this matter. Employer filed a written notice on June 23, 2017 withdrawing its protest of claimant's claim.

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.

As employer requested that its protest in this matter be withdrawn, the administrative law judge must look to the Code of Iowa to determine if there is a limitation as to when employer may file its protest. No limitation is found in the Iowa Code as to when an employer can withdraw its protest.

DECISION:

The decision of the representative dated June 6, 2017, reference 03, is reversed. Claimant is eligible to receive unemployment insurance benefits, provided claimant meets all other eligibility requirements as employer does not protest claimant's receipt of benefits.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/scn