

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CARMEN SEPEDA
Claimant

APPEAL NO: 14A-UI-02436-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

LA LEASING
Employer

OC: 11/10/13
Claimant: Respondent (2-R)

Section 96.6-2 - Timeliness of Protest

STATEMENT OF THE CASE:

The employer appealed from the February 26, 2014, reference 02, decision that concluded it failed to file a timely protest regarding the claimant's separation of employment on November 11, 2013, and no disqualification of unemployment insurance benefits was imposed. A hearing was scheduled and held on April 16, 2014, pursuant to due notice. The claimant participated in the hearing with Interpreter Ike Rocha. Colleen McGuinty, Unemployment Benefits Administrator, participated in the hearing on behalf of the employer. Department's Exhibits D-1, D-2 and D-3, were admitted to the record.

FINDINGS OF FACT:

Having reviewed all of 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 November 15, 2013. The employer filed its protest on November 20, 2013. There are issues regarding the claimant's separation from this employer that have not yet been investigated or adjudicated at the claims level.

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.

The administrative law judge concludes that the employer filed its protest within the time period prescribed by the Iowa Employment Security Law because it faxed its protest November 20, 2013. The receipt of the protest was confirmed when the Department mailed the employer a copy of its protest with two other pages of documentation February 19, 2014. The protest clearly shows an original fax date of November 20, 2013. The issue of the separation is remanded to the Claims Section of Iowa Workforce Development for an initial investigation and determination.

DECISION:

The February 26, 2014, reference 02, decision is reversed. The employer has filed a timely protest. The issue of the claimant's separation from this employer is remanded to the Claims Section of Iowa Workforce Development for an initial investigation and determination.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs