IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU

CHAD DRAPER Claimant **DALL-HAUS** Employer	**APPEAL 21A-UI-00981-CL-T** **ADMINISTRATIVE LAW JUDGE DECISION** **OC: 04/05/20** **Claimant: Respondent (1R)**

Iowa Code § 96.6(2) – Timeliness of Protest
Iowa Code § 96.7(2)a(6) – Appeal from the Statement of Charges

STATEMENT OF THE CASE:

On November 17, 2020, the employer filed an appeal from Statement of Charges dated November 9, 2020, for the third quarter of 2020. A hearing was scheduled for February 16, 2021, pursuant to due notice. Claimant participated. Employer participated through Katie Sturtz. Official notice was taken of the administrative record.

ISSUES:

Is the employer's protest timely?
Is the employer's appeal from the statement of charges timely?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed a claim for unemployment insurance benefits with an effective date of April 5, 2020.

Employer signed up to receive electronic notices of claim through the State Information Data Exchange System (SIDES).

On April 10, 2020, Iowa Workforce Development sent employer an email alert of the notice of claim in the SIDES system. The notice of claim states that a response is due by April 20, 2020. Employer received the email and responded with a protest the same day.

Employer marked the protest as a "Disaster Related Separation," but clarified that claimant was limiting his hours due to issues related to COVID 19.

The Benefits Bureau of Iowa Workforce Development has not issued an initial decision in regard to whether claimant is eligible for regular unemployment insurance benefits.

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.

Iowa Code section 96.7(2)a(6) provides:

2. Contribution rates based on benefit experience.

a. (6) Within forty days after the close of each calendar quarter, the department shall notify each employer of the amount of benefits charged to the employer's account during that quarter. The notification shall show the name of each individual to whom benefits were paid, the individual's social security number, and the amount of benefits paid to the individual. An employer which has not been notified as provided in section 96.6, subsection 2, of the allowance of benefits to an individual, may within thirty days after the date of mailing of the notification appeal to the department for a hearing to determine the eligibility of the individual to receive benefits. The appeal shall be referred to an administrative law judge for hearing and the employer and the individual shall receive notice of the time and place of the hearing.

The administrative law judge concludes that the employer timely protested the claim. The Benefits Bureau of Iowa Workforce Development has not issued an initial decision regarding whether claimant is eligible for benefits and whether employer should be charged. This matter will be remanded to the Benefits Bureau for an initial decision.

DECISION:

The November 9, 2020, Statement of Charges for the third quarter of 2020 is affirmed pending a determination from the Benefits Bureau on whether claimant is eligible for unemployment insurance benefits. The employer has filed a timely protest.

REMAND:

This matter is remanded to the Benefits Bureau of Iowa Workforce Development for an initial decision on whether claimant is eligible for unemployment insurance benefits based on his availability for work.

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Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

__February 26, 2021_____
Decision Dated and Mailed

cal/lj