

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

NEAL R LUDOVISY
Claimant

APPEAL NO: 19A-UI-04388-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

UNION-HOERMAN PRESS
Employer

OC: 12/23/18
Claimant: Respondent (4-R)

Section 96.6-2 - Timeliness of Protest

STATEMENT OF THE CASE:

The employer appealed from the May 30, 2019, reference 01, decision that concluded it failed to file a timely protest regarding the claimant's separation of employment on August 30, 2018, and no disqualification of unemployment insurance benefits was imposed. A hearing was scheduled and held on June 24, 2019, pursuant to due notice. The claimant did not respond to the hearing notice and did not participate in the hearing. Patty Delaney, Bookkeeper and Randy Sigmen, President, participated in the hearing on behalf of the employer. Department's Exhibits D-1 and D-2 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 December 26, 2018, with a due date of January 7, 2019. The employer never received the notice of claim and was unaware the claimant filed a claim for benefits until it received its Statement of Charges for the first quarter of 2019, which was mailed May 9, 2019, and appealed that decision. There are issues regarding the claimant's separation from this employer that have not yet been investigated or adjudicated at the benefits level.

The employer did appeal the Statement of Charges in a timely manner. It was mailed to the employer May 9, 2019, and the employer had 30 days to file an appeal which would have set the due date at June 10, 2019, because June 8, 2019, fell on a Saturday. The employer filed its appeal May 29, 2019.

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 it filed as soon as it became aware the claimant filed a claim for unemployment insurance benefits. The issue of the claimant's separation from this employer is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

DECISION:

The May 30, 2019, reference 01, decision is modified in favor of the appellant/employer. The employer never received the claimant's notice of claim. The issue of the claimant's separation from this employer is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn