

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BRENDA K ROE-WEAVER

Claimant

APPEAL 19A-UI-06119-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

HOYT SHERMAN PLACE FOUNDATION

Employer

OC: 04/07/19

Claimant: Respondent (1)

Iowa Code § 96.7(8)B(4) – Application for Redetermination

Iowa Admin. Code r. 871-26.4(4) – Appeal to Notice of Reimbursable Benefit Charges

STATEMENT OF THE CASE:

The employer filed an appeal from the Notice of Reimbursable Benefit Charges dated July 15, 2019, which listed reimbursable benefit charge information for the second quarter of 2019. Due notice was issued and a hearing was held on August 29, 2019. Claimant participated personally. Employer participated through witness Jackie Pullen. The administrative law judge took official notice of the administrative records.

ISSUE:

Did the employer file a timely appeal to the Notice of Reimbursable Benefit Charges?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant filed an initial claim for unemployment insurance benefits with an effective date of April 7, 2019. The employer received the Notice of Reimbursable Benefit Charges dated July 15, 2019 for the second quarter of 2019. It listed charges of \$22.48 for this claimant. The employer filed an appeal to the Notice of Reimbursable Benefit Charges on August 2, 2019 by sending an appeal letter by email to uiappealshelp@iwd.iowa.gov. Employer contends that it did not receive a Notice of Claim regarding the claimant and that the claimant was still employed as a part-time employee. Claimant responded by email dated August 8, 2019 that she did not file an unemployment claim against this employer.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.7(8)B(4) provides:

8. Financing benefits paid to employees of nonprofit organizations.

b. Reimbursements for benefits paid in lieu of contributions shall be made in accordance with the following:

(4) The amount due specified in a bill from the department is conclusive unless, not later than **fifteen days following the date the bill was mailed** or otherwise delivered to the last known address of the nonprofit organization, the nonprofit organization files an application for redetermination with the department setting forth the grounds for the application. The department shall promptly review the amount due specified in the bill and shall issue a redetermination. The redetermination is conclusive on the nonprofit organization unless, not later than thirty days after the redetermination was mailed or otherwise delivered to the last known address of the nonprofit organization, the nonprofit organization files an appeal to the district court pursuant to subsection 5.

(emphasis added).

Iowa Admin. Code r. 871—26.4(4) provides:

Commencement of unemployment benefits contested case.

26.4(4) Also notwithstanding the provisions of subrule 26.4(2), a reimbursable employer, which has not previously received a notice of the filing of a valid claim for benefits, may appeal an individual's eligibility to receive benefits within **15 days from the mailing date of the quarterly billing of benefit charges**.

(emphasis added).

The employer failed to file a timely appeal. The appeal must be filed within 15 days from the mailing date of the quarterly billing of benefit charges. The employer filed its appeal on August 2, 2019, which was more than 15 days from the mailing date of the quarterly billing of benefit charges. As such, its appeal is untimely and the administrative law judge lacks jurisdiction to make a determination with respect to the nature of the appeal. See *Beardslee v. Iowa Dep't of Job Serv.*, 276 N.W.2d 373 (Iowa 1979) and *Franklin v. Iowa Dep't of Job Serv.*, 277 N.W.2d 877 (Iowa 1979).

DECISION:

The July 15, 2019 Notice of Reimbursable Benefit Charges for the second quarter of 2019 is affirmed. The appeal in this case was not timely.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/rvs

NOTE TO EMPLOYER:

If you wish to change your email address of record in the SIDES system, please send an email to iwd-sidesinfo@iwd.iowa.gov or call customer service at 866-239-0843.