

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building
Fourth floor
Des Moines, Iowa 50319**

RYAN E TEWIS	:	
	:	HEARING NUMBER: 21B-UI-01600
Claimant	:	
	:	
and	:	EMPLOYMENT APPEAL BOARD
	:	DECISION
GO DADDY SOFTWARE INC	:	
	:	
Employer	:	

NOTICE

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT IS FILED WITHIN 30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.5-2-A, 96.3-7

DECISION

UNEMPLOYMENT BENEFITS ARE DENIED

The Claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. With the following modification, the administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED** with the following **MODIFICATION**:

The Claimant raised the issue of the timeliness of protest. We gave notice of our intent to permit admission of the protest submitted through the State Information Data Exchange System (SIDES), and to take notice of various facts about how that system works. The parties have had an opportunity to reply to the Board order, and we do appreciate the Claimant's candor in acknowledging the apparent timeliness of the Employer's protest, and further acknowledge that the Claimant raised the timeliness issue in good faith. We now issue a decision in which we adopt the Administrative Law Judge's decision on the merits of the case, and provide additional findings and analysis on the protest issue.

FINDINGS OF FACT:

The Board makes the following findings of fact.

The Central Broker (or Broker) serves as the ‘hub’ for SIDES, providing a secure single point of communication for participating states, employers, and third party administrators. The SIDES system broker records the date of transmission of the protest to the broker in the field marked “Broker Record Effective Date.” The Broker Effective Date indicates when a record was received in the Central Broker and requires the use of the date and time fields in xs:dateTime to record the exact time of record receptions and transmissions by the Broker. Xs:dateTime format is in the format of YYYY-MM-DDThh:mm:ss format where “YYYY” represents year, “MM” represents month, “DD” represents day, “T” indicates start of time section, “hh” represents hours, “mm” represents minutes, and “ss” represents seconds. The BrokerRecordTransactionNumber is given to a single request record on entry into the system and is generated by the Broker. This number uniquely identifies a request, even if multiple copies of the same record are passed through the system (in this case, each record gets its own BrokerRecordTransactionNumber). The BrokerRecordTransactionNumber must be used on the response in order to connect the response with a particular request and, therefore, must be consumed by employer and third party administrator connectors. The broker field is recorded in Greenwich Mean Time or an offset thereof. In October the United States is still in daylight savings. The Greenwich offset for the East Coast of the United States during daylight savings is GMT -4.

The entry for the Broker Record Effective Date field for the protest in this case reads “2020-10-13T14:13:55.000-0400” The Broker Record Effective Date field indicates a receipt of the protest by the Sides Broker on October 13, 2020 at 2:13 pm Eastern Daylight Time.

The “detection date” of the protest is reported in this case as October 13, 2020.

REASONING AND CONCLUSIONS OF LAW:

The Board adds the following analysis.

Under the “specialized knowledge” provision we have taken notice of the fact that the SIDES system broker records the date of transmission of the protest to the broker in the field marked “Broker Record Effective Date.” *See Neumann Brothers, Inc. v. Derscheid*, 0-036 / 09-1102 (Iowa App. 4-21-10)(computer records within specialized knowledge of agency). “The Central Broker (or Broker) serves as the ‘hub’ for SIDES, providing a secure single point of communication for participating states, employers, and [third party administrators].” *UISIDES Implementation Guide*, v. 3.25, National Association of State Workforce Agencies (5/18/2020). “The Broker Effective Date indicates when a record was received in the Central Broker and requires the use of the date and time fields in xs:dateTime to record the exact time of record receptions and transmissions by the Broker.” *UISIDES Developer Guide Part C*, §3.5.4 p. 20, National Association of State Workforce Agencies (2/22/2017)(retrieved from <http://www.itsc.org/>). Xs:dateTime format is in the format of YYYY-MM-DDThh:mm:ss format where “YYYY” represents year, “MM” represents month, “DD” represents day, “T” indicates start of time section, “hh” represents hours, “mm” represents minutes, and “ss” represents seconds. “The BrokerRecordTransactionNumber is given to a single request record on entry into the system and is generated by the Broker. This number uniquely identifies a request, even if multiple copies of the same record are passed through the system (in this case, each record gets its own BrokerRecordTransactionNumber). The BrokerRecordTransactionNumber must be used on the response in order to connect the response with a particular request and, therefore, must be consumed by employer and

TPA connectors.” *UISIDES Developer Guide Part C*, §4.2.4 p. 28, National Association of State Workforce Agencies (2/22/2017). We note that the Developer Guide states that the time in the broker field is recorded in Greenwich Mean Time or an offset thereof. *Id.* at §3.5.4. Daylight savings runs from the 2nd Sunday in March through the first Sunday in November. *See* <https://www.bts.gov/geospatial/daylight-savings-time>. In October the United States is still in daylight savings. The Greenwich offset for the East Coast of the United States during daylight savings is GMT -4.

The entry for the Broker Record Effective Date field for the protest in this case reads “2020-10-13T14:13:55.000-0400” This is deciphered as October 13, 2020 at 2:13 pm Eastern Daylight Time (the -0400 being the GMT offset). In Central Time, then the broker effective date was October 13, 2020 at 1:13 pm. This corresponds to the “detection date” of October 13, 2020.

Legal Standards:

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.

Under rule 24.35(1)(b) the protest “shall be considered received by and filed...[i]f **transmitted** via the State Identification Data Exchange System (SIDES), maintained by the United States Department of Labor, on the date it was **submitted** to SIDES.” 871 IAC 24.35(1)(b)(emphasis added). Here the evidence establishes that the appeal was in fact filed in time, but the broker did not create the fields showing filing until after the deadline. Using the broker field we find the Employer’s submission timely, and thus the protest did occur within 10 days and there is no jurisdictional issue in the case.

James M. Strohmman

Ashley R. Koopmans

Myron R. Linn