

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JAMES M CAIN
Claimant

MANN'S ENTERPRISES LLC
Employer

APPEAL 19A-UI-03913-NM-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 12/30/18
Claimant: Respondent (4)**

Iowa Code § 96.6(2) – Timely Protest
Iowa Code § 96.7(2)a(6) – Appeal from the Statement of Charges
Iowa Code Chapter 96 – Requalification

STATEMENT OF THE CASE:

The employer filed an appeal from the statement of charges dated May 9, 2019, which listed charge information for the first quarter of 2019. Due notice was issued and a hearing was scheduled for June 6, 2019. The employer did not register a telephone number prior to the start of the hearing and a default decision was entered. Later in the day on June 6, 2019, the employer filed a request to reopen the record. That request was granted but no hearing was held as there was sufficient evidence in the appeal letter and administrative record to resolve the matter without testimony.

ISSUES:

Did the employer file a timely protest?
Is the employer's appeal from the statement of charges timely?
Has claimant requalified for benefits?

FINDINGS OF FACT:

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

Employer signed up to receive electronic notice of claims through the State Information Data Exchange System ("SIDES system") on August 17, 2017. Employer provided Iowa Workforce Development with Barlows' email address "lori.barlow@us.stores.mcd.com" as the exclusive contact to receive notices of claims. A notice of claim was emailed to the employer's email address of record on January 4, 2019 regarding claimant's initial claim for unemployment insurance benefits which was effective December 30, 2019. A response was due by January 14, 2019. No response was filed; however, the employer did not receive the email from Iowa Workforce Development.

On May 9, 2019 a Statement of Charges for the first quarter of 2019 was mailed to the employer. The employer filed an appeal to the statement of charges on May 13, 2019. The administrative record shows the claimant has requalified for benefits since the separation from this employer.

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.

Here, the employer first learned about the notice of claim when it received the May 9, 2019 statement of charges. The administrative law judge concludes that the employer has shown good cause for failing to protest the claim by the prescribed deadline, therefore making the protest timely. The employer's appeal of the statement of charges within thirty days is timely. The administrative law judge further concludes that the claimant has requalified for benefits since the separation from this employer. Accordingly, benefits are allowed and the account of the employer shall not be charged.

DECISION:

The May 9, 2019, Statement of Charges for the first quarter of 2019 is modified in favor of the appellant. The employer has filed a timely protest and a timely appeal from that Statement of Charges. The claimant has requalified for benefits since the separation. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer shall not be charged.

Nicole Merrill
Administrative Law Judge

Decision Dated and Mailed

nm/rvs