

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MEGAN WOOD

Claimant

APPEAL NO: 16A-UI-00466-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

513 SOUTH GRAND LLC

Employer

OC: 12/20/15

Claimant: Respondent (2-R)

Section 96.6-2 - Timeliness of Protest

STATEMENT OF THE CASE:

The employer appealed from the January 11, 2016, reference 02, decision that concluded it failed to file a timely protest regarding the claimant's separation of employment on August 1, 2015, and no disqualification of unemployment insurance benefits was imposed. A hearing was scheduled and held on February 3, 2016, pursuant to due notice. The claimant did not respond to the hearing notice and did not participate in the hearing or request a postponement of the hearing as required by the hearing notice. Kay Meyer, Owner, participated in the hearing on behalf of the employer. Department's Exhibit D-1 was 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 22, 2015. The employer both received the notice of claim and filed its protest on January 8, 2016. There are issues regarding the claimant's separation from this employer that have not yet been investigated or adjudicated at the claims level.

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 the protest the day it received it in the mail. The issue of the claimant's separation from this employer is remanded to the Claims Section of Iowa Workforce Development for an initial investigation and determination.

DECISION:

The January 11, 2016, reference 02, decision is reversed. The employer has filed a timely protest. The issue of the claimant's separation from this employer is remanded to the Claims Section of Iowa Workforce Development for an initial investigation and determination.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs