

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**FANY AMAYA**  
Claimant

**APPEAL 21A-UI-12410-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA STAFFING INC**  
Employer

**OC: 12/20/20**  
**Claimant: Respondent (4)**

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

**STATEMENT OF THE CASE:**

The employer filed an appeal from the statement of charges dated May 7, 2021, which listed charge information for the first quarter of 2021. Due notice was issued and a hearing was held on July 13, 2021. Claimant participated personally and through a Spanish interpreter from CTS Language Link. Sandivel Ramos attended as an observer. Employer participated through Anna Tursi. The administrative law judge took official notice of the claimant's unemployment insurance benefits records. Department Exhibit 1 (Employer's appeal) was admitted.

**NOTE TO EMPLOYER:** To become a SIDES E-Response participant, you may send an email to [iwd-sidesinfo@iwd.iowa.gov](mailto:iwd-sidesinfo@iwd.iowa.gov). To learn more about SIDES, visit <http://info.uisides.org>.

**ISSUES:**

Did the employer file a timely protest?  
Is the employer's appeal from the statement of charges timely?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: A notice of claim was mailed to the employer's correct address of record on December 24, 2020 regarding claimant's claim for unemployment insurance benefits which was effective December 20, 2020. The notice of claim contained a warning that a protest was due ten days after it was mailed and failure to reply may result in charges to its account.

The employer checks its mail each day, Monday through Friday. Employer denied receiving the notice of claim. Employer's first notice of charges for the benefits was the receipt of the Statement of Charges. The statement of charges for the first quarter of 2021 was mailed to the employer on May 7, 2021. The employer filed an appeal to the statement of charges on May 13, 2021. (See Department Exhibit D-1).

The claimant has requalified for benefits since the separation from the employer.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the employer filed a timely appeal from the statement of charges and the claimant has requalified for benefits. Benefits are allowed and the employer's account shall not be charged.

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.

The employer filed its appeal of the statement of charges within the time period prescribed by the Iowa Employment Security Law because it did not receive the notice of claim giving it an opportunity to protest the claimant's receipt of benefits chargeable to its account. The employer filed the appeal to the statement of charges within thirty days making the appeal timely. The claimant has requalified for benefits since the separation from this employer by earning ten times the weekly benefit amount in insured wages following the separation. See Iowa Code §§ 96.5(1)g and 96.5(2)a. Accordingly, benefits are allowed and the account of the employer shall not be charged.

**DECISION:**

The May 7, 2021, Statement of Charges for the first quarter of 2021 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.



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July 22, 2021  
Decision Dated and Mailed

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