

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MIGUEL I RANSOM
Claimant

APPEAL 20A-UI-04936-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

MEIER TOWING SERVICE INC
Employer

OC: 12/01/19
Claimant: Respondent (4)

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

STATEMENT OF THE CASE:

On May 18, 2020, the employer filed an appeal from Statement of Charges dated May 8, 2020 for the first quarter of 2020. After proper notice, a telephone hearing was conducted on June 26, 2020. The claimant participated personally. The employer participated through Heidi Day, manager. Department Exhibits 1 and 2 were admitted. The administrative law judge took official notice of the administrative records. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Is the employer's protest timely?
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: Claimant filed a claim for unemployment insurance benefits with an effective date of December 1, 2019. On December 3, 2019, Iowa Workforce Development (IWD) mailed a notice of claim to employer's last address of record. Employer did not receive the notice of claim in the mail. Employer confirmed the address of record was valid, had been used for the employer since 1984 and is checked daily. Employer checked mail during this period of time.

Employer's first notice of charges for the benefits was the receipt of the Statement of Charges mailed May 8, 2020 for the first quarter of 2020. The employer filed its appeal of that Statement of Charges on May 18, 2020 (Department Exhibit D-1).

The claimant has requalified for benefits since the separation from the employer. (See *administrative records*).

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.

The administrative law judge concludes that the employer timely protested the claim and 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 8, 2020, Statement of Charges for the first quarter of 2020 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.



Jennifer L. Beckman
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July 7, 2020
Decision Dated and Mailed

jlb/scn