

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

BLUE E JONES

Claimant

APPEAL NO: 20A-UI-09411-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

TRISTAR VENTURES LLC

Employer

OC: 03/29/20

Claimant: Respondent (2R)

Section 96.6-2 - Timeliness of Protest

STATEMENT OF THE CASE:

The employer appealed from the July 23, 2020, reference 01, decision that concluded it failed to file a timely protest regarding the claimant's separation of employment on September 29, 2019, and no disqualification of unemployment insurance benefits was imposed. A hearing was scheduled and held on September 23, 2020, pursuant to due notice. The claimant did not respond to the hearing notice and did not participate in the hearing. Reina Gonzales, Appellate Coordinator, participated in the hearing on behalf of the employer.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant's notice of claim was emailed to the employer's address of record using the SIDES system April 4, 2020. The employer filed its protest through the SIDES system on April 14, 2020. Prior to COVID-19, the employer averaged 3,000 claims every ten days. After COVID-19 it averaged 68,000 claims. The employer hired several new staff members and is working seven days per week. 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 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.

The administrative law judge concludes that the employer filed its protest within the time period prescribed by the Iowa Employment Security Law because due to the high volume of claims it was experiencing, being one day late is not unreasonable. The issue of the claimant's separation from this employer is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

DECISION:

The July 23, 2020, reference 01, decision is reversed. The employer has filed a timely protest. The issue of the claimant's separation from this employer is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.



Julie Elder
Administrative Law Judge

September 25, 2020
Decision Dated and Mailed

je/scn