

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**RYAN ROLFES**

Claimant

**CEDAR RAPIDS COUNTRY CLUB**

Employer

**APPEAL 19A-UI-01229-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/08/18**

**Claimant: Respondent (1)**

Iowa Code § 96.6(2) – Timeliness of 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 February 8, 2019, Statement of Charges for the fourth quarter of 2018 that included charges for claimant's unemployment insurance benefits. The parties were properly notified about the hearing. A telephone hearing was held on February 28, 2019. Claimant participated. Employer participated through controller Suzie Kochuyt. Employer's Exhibit 1 was received. Official notice was taken of the administrative record.

**ISSUES:**

Is the employer's protest timely?

Did the employer timely appeal the Statement of Charges?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant's notice of claim was provided to the employer in the SIDES system with an e-mail alert on April 9, 2018. There is no reason to believe employer did not receive the notice. Employer did not file a response to the notice of claim.

Employer's first protest to the notice of claim was on February 11, 2019, when it appealed the February 8, 2019, Statement of Charges, which included charges for claimant's unemployment insurance benefits in the fourth quarter of 2018.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.6(2) provides:

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 representative shall promptly examine the claim and any protest, take the initiative to ascertain relevant information concerning the

claim, and, on the basis of the facts found by the representative, shall determine whether or not the claim is valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and its maximum duration, and whether any disqualification shall be imposed. The claimant has the burden of proving that the claimant meets the basic eligibility conditions of section 96.4. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to section 96.5, except as provided by this subsection. The claimant has the initial burden to produce evidence showing that the claimant is not disqualified for benefits in cases involving section 96.5, subsections 10 and 11, and has the burden of proving that a voluntary quit pursuant to section 96.5, subsection 1, was for good cause attributable to the employer and that the claimant is not disqualified for benefits in cases involving section 96.5, subsection 1, paragraphs "a" through "h". Unless the claimant or other interested party, after notification or within ten calendar days after notification was mailed to the claimant's last known address, files an appeal from the decision, the decision is final and benefits shall be paid or denied in accordance with the decision. If an administrative law judge affirms a decision of the representative, or the appeal board affirms a decision of the administrative law judge allowing benefits, the benefits shall be paid regardless of any appeal which is thereafter taken, but if the decision is finally reversed, no employer's account shall be charged with benefits so paid and this relief from charges shall apply to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

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.

At this point, the employer cannot challenge claimant's eligibility to receive benefits or being charged for those benefits because it had prior notice of the claim, but did not protest the claim within the ten-day deadline. Therefore, claimant is allowed benefits and the employer's account may be charged.

**DECISION:**

The February 8, 2019, Statement of Charges for the fourth quarter of 2018 is affirmed. The employer had prior notice of the claim and failed to file a timely protest. Benefits are allowed, and the employer's account may be charged.

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Christine A. Louis  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515)478-3528

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Decision Dated and Mailed

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