

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CARL L GIBBS**  
Claimant

**APPEAL NO. 13A-UI-08874-VST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**L A LEASING INC  
SEDONA STAFFING**  
Employer

**OC: 03/10/13  
Claimant: Respondent (2R)**

Section 96.6-2 - Timely Protest

**STATEMENT OF THE CASE:**

The employer filed an appeal from a representative's decision dated July 30, 2013, reference 02, which held that the employer failed to file a timely protest. After due notice, a hearing was held on September 5, 2013. The claimant participated personally. The employer participated by Colleen McGuinty, Unemployment Insurance Benefits Administrator. The record consists of the testimony of Colleen McGuinty and Employer's Exhibits 1 and 2. Official notice is taken of agency records.

**ISSUE:**

Whether the employer filed a timely protest.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witness and having considered all of the evidence in the record, makes the following findings of fact:

The claimant filed a claim for unemployment insurance benefits with an original claim date of March 10, 2013. A notice of claim was sent to the employer with a due date for any protest of March 22, 2013. The employer faxed a protest to the claims section on March 19, 2013.

**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 employer filed a timely protest. The employer provided both testimony and documentary evidence that a protest was filed on March 19, 2013. Because the employer filed a timely

protest, the case is remanded for investigation and determination of whether the claimant is eligible for unemployment insurance benefits.

**DECISION:**

The decision of the representative dated July 30, 2013, reference 02, is reversed. The employer filed a timely protest. This case is remanded to the Claims Section for investigation and determination of whether the claimant is eligible for unemployment insurance benefits.

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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

vls/css