

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

REMINGTON H SCHRODER
Claimant

APPEAL 22A-UI-04296-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

PAXTON AND SONS SPRAY FOAM LLC
Employer

**OC: 01/16/22
Claimant: Respondent (2R)**

Iowa Code § 96.6(2) – Timeliness of Protest

STATEMENT OF THE CASE:

On February 7, 2022, the employer filed an appeal from the February 4, 2022, (reference 01) unemployment insurance decision that found the protest untimely and allowed benefits. After due notice was issued, a hearing was held by telephone conference call at 8:00 a.m. on Monday, March 21, 2022. The claimant, Remington H. Schroder, did not appear for the hearing and did not participate. The employer, Paxton and Sons Spray Foam, L.L.C., participated through Angie Paxton, Administrative Co-Owner. The administrative law judge took official notice of the administrative record, including the Notice of Claim and Statement of Protest. The record was left open to allow the employer to submit documentation, and the employer sent in one email that it had previously sent to the Claims Bureau.

ISSUE:

Is the employer's protest timely?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: Claimant's Notice of Claim was mailed to employer's address of record on January 19, 2022, and it was received by employer within ten days. At the time the employer received the Notice of Claim, Paxton was ill with COVID-19. However, she received the Notice of Claim within ten days, prior to the deadline to submit a protest. Paxton completed the protest section on the document, scanned in the document, and emailed it to the Claims Bureau at 11:00 a.m. on January 31, 2022.

Paxton indicated that Schroeder separated from employment with the employer in 2020. He had only worked for the employer as a temporary employee, and he left employment with Paxton and Sons to return to his permanent, full-time employment with another employer.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes that employer filed its protest response within the time period prescribed by the Iowa Employment Security Law.

The sole issue is whether the employer's protest was submitted in a timely manner. The administrative law judge concludes it was. 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 law provides that all interested parties shall be promptly notified about an individual filing a claim. The parties have ten days from the date of mailing the notice of claim to protest payment of benefits to the claimant. Iowa Code § 96.6(2). Here, the employer was notified of the Notice of Claim, and it responded with a statement of protest by the stated deadline. Therefore, the protest shall be accepted as timely.

This matter will be remanded for determination of whether claimant has requalified for benefits since separating from this employer.

DECISION:

The February 4, 2022, (reference 01) unemployment insurance decision is reversed. The employer filed a timely protest.

REMAND:

The requalification issue is remanded to the Benefits Bureau of Iowa Workforce Development determination.



Elizabeth A. Johnson
Administrative Law Judge
Unemployment Insurance Appeals Bureau

March 30, 2022

Decision Dated and Mailed

lj/abd