

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LORI M CROTTS

Claimant

APPEAL 20A-UI-06053-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

SIMPLY CLEAN AND RESTORATION LLC

Employer

OC: 07/21/19

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:

On May 28, 2020, the employer filed an appeal from Statement of Charges dated May 8, 2020, for the first quarter of 2020. A hearing was scheduled for July 15, 2020, pursuant to due notice. Claimant participated. Employer participated through janitorial manager Serena Witzke. 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 filed a claim for unemployment insurance benefits with an effective date of July 21, 2019. On July 29, 2019, Iowa Workforce Development sent a notice of claim to employer. Employer does not recall receiving the notice of claim. Employer did not file a protest.

On November 8, 2019, Iowa Workforce Development mailed a statement of charges to employer for the third quarter of 2019. The statement included charges for claimant's benefits. Employer decided not to file an appeal at that time.

Employer offered claimant a job on December 13, 2019, via text message. Claimant did not respond with an answer until sometime in 2020.

On February 7, 2020, Iowa Workforce Development sent a statement of charges to employer for the fourth quarter of 2020. The statement included charges for claimant's benefits. Employer did not appeal.

On May 8, 2020, Iowa Workforce Development sent a statement of charges to employer for the first quarter of 2020. Employer filed an appeal on May 28, 2020.

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 received the mail that was sent to it by Iowa Workforce Development. Employer did not timely protest the claim and did not timely appeal two previous statements of charges. Even after the alleged work refusal, employer had notice in February 2020, it was still being charged for claimant's benefits and still took no action. At this point, employer has waited too long to protest the claim. The proper time to do so is within the deadlines stated on the documents that have been mailed to employer.

DECISION:

The May 8, 2020, Statement of Charges for the first quarter of 2020 is affirmed. The employer had prior notice of the claim and failed to timely protest or appeal the statements of charges. Benefits are allowed and employer's account may be charged.



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

July 23, 2020
Decision Dated and Mailed

cal/scn