

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KAYLEE D CROSE
Claimant

TEAM STAFFING SOLUTIONS INC
Employer

APPEAL 19A-UI-09619-JC-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 06/30/19
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:

The employer/appellant, Team Staffing Solutions Inc., filed an appeal response to the statement of charges dated November 8, 2019, which charged the employer for benefits during the third quarter of 2019. The parties were properly notified about the hearing. A telephone hearing was held on January 3, 2020. The claimant did not respond to the notice of hearing to furnish a phone number with the Appeals Bureau and did not participate in the hearing. The employer participated through Sarah C. Fiedler, HR generalist.

The administrative law judge took official notice of the administrative records. Department Exhibits D-1 through D-3 were admitted. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Was the employer's protest timely?
Was the employer's appeal from the statement of charges timely?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Having reviewed all of the evidence in the record, the administrative law judge finds:

The claimant worked for this employer on assignment from November 26, 2018 until July 20, 2019. The claimant established a claim for unemployment insurance benefits with an effective date of June 30, 2019 in response to a one week reduction in hours with this employer for the week ending July 6, 2019. (She then resumed employment until her July 20 separation.)

A notice of claim was provided to the employer in the SIDES system with an e-mail alert on July 1, 2019 (Department Exhibit D-3). The employer timely submitted a reply via SIDES.

The employer stated that the claimant's client company was closed for the week (Department Exhibit D-3). No fact-finding interview regarding claimant's separation from employment was conducted because the employer provided no information regarding the claimant's separation which would justify relief from charges. As a result, the claimant was found to be eligible for benefits.

The employer then received a statement of charges dated November 8, 2019 that showed this employer being charged for \$63.00 for benefits attributed to the employer during the period of July 1 - September 30, 2019, which corresponds with the one week she filed her claim for benefits for the week ending July 6, 2019 (Department Exhibit D-2).

The employer appealed the statement of charges dated November 8, 2019 on December 3, 2019 (Department Exhibit D-1).

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the employer did not file a timely protest to the notice of claim and as such, the conditions for appealing the statement of charges have not been met.

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.

Iowa Code section 96.7(2)a(6), states that an employer who did not receive notice of the claim may appeal to the department for a hearing to determine the eligibility of an individual to receive benefits. An employer is only allowed to appeal the statement of charges for a hearing to determine the eligibility of the individual to receive benefits if they were not previously notified pursuant to Iowa Code § 96.6(2) of the allowance of benefits.

In this case, the employer was previously notified of the claim and potential liability when the notice of claim was sent via SIDES on July 1, 2019. The employer responded with no disqualifying information, and stated the claimant was laid off of work due to the client company being closed for the week ending July 6, 2019.

The employer did timely receive the notice of claim but chose not to provide disqualifying information or answer all questions when it submitted its response. The \$63.00 in charges listed on the employer's third quarter statement of charges corresponds for the one week ending July 6, 2019, when the claimant was employed for this employer but the client company was closed.

Based upon the evidence presented, the administrative law judge concludes the conditions for appealing the statement of charges under Iowa Code § 96.7(2)a(6) have not been met. The employer was not deprived of a reasonable opportunity to assert the protest in a timely fashion. Therefore, the administrative law judge concludes that the employer appeal to the first quarter statement of reimbursable charges is untimely. The statement of charges dated November 8, 2019 is correct.

DECISION:

The employer has failed to file a timely protest and has not met the conditions for appealing the statement of charges under Iowa Code § 96.7(2)a(6). The \$63.00 charges for the third quarter of 2019 shall remain in full force and effect.

Jennifer L. Beckman
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Decision Dated and Mailed

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