

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**AMY N THOMPSON**  
Claimant

**GOLDEN AGE PROPERTIES LLC**  
Employer

**APPEAL 17A-UI-07057-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 01/01/17**  
**Claimant: RESPONDENT (2R)**

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Iowa Code § 96.6(2) - Timeliness of Protest

**STATEMENT OF THE CASE:**

The employer filed a timely appeal from the July 3, 2017, (reference 03), decision that allowed benefits and found the protest untimely. After due notice was issued, a hearing was held on August 1, 2017. The claimant did participate. The employer did participate through Laurie Buckhahan, Administrator and Angela Fowler, R.N.

**ISSUE:**

Did the employer file a timely notice of protest?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant's notice of claim was sent via the SIDES system to the employer's email address of record on January 5, 2017. The SIDES system was malfunctioning and the employer never received the notice of protest. The employer first learned of the claim when they received their statement of charges. The SIDES system issues for this employer were not resolved until July 25, 2017.

The issue of the claimant's separation from this employer has not yet been investigated or adjudicated at the claims level.

**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 administrative law judge concludes that the employer filed its protest within the time period prescribed by the Iowa Employment Security Law because the SIDES system malfunctioned

and they never received the notice of claim. The employer contacted the agency immediately after receiving their statement of charges which was their first notice that a claim had been filed.

**DECISION:**

The July 3, 2017, (reference 03), decision is reversed. The employer has filed a timely protest.

**REMAND:**

The separation issue delineated in the findings of fact is remanded to the claims section of Iowa Workforce Development for an initial investigation and determination.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

tkh/rvs