

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

MICHELLE J EVERS

Claimant

APPEAL NO: 19A-UI-08261-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

CLINTON COMMUNITY SCHOOL DIST

Employer

OC: 06/30/19

Claimant: Respondent (1-R)

Iowa Code § 96.7(8)B(4) – Application for Redetermination

STATEMENT OF THE CASE:

The employer filed an appeal from the notice of reimbursable benefit charges dated October 15, 2019, which listed reimbursable benefit charge information for the third quarter of 2019. Due notice was issued and a hearing was held before Administrative Law Judge Julie Elder on December 4, 2019. The claimant participated in the hearing. Cindy McAleer, CFO, participated in the hearing on behalf of the employer.

ISSUE:

Did the employer timely appeal the notice of reimbursable charges.

FINDINGS OF FACT:

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

The claimant filed an initial claim for unemployment insurance benefits with an effective date of June 30, 2019. Iowa Workforce Development (“IWD”) emailed the employer a Notice of Claim but the employer did not receive it and consequently the employer did not return a timely Statement of Protest to IWD.

The employer first became aware the claimant filed a claim for unemployment insurance benefits when it received the notice of reimbursable charges mailed by IWD on October 15, 2019. The employer filed an appeal to the reimbursable statement of charges on October 22, 2019. The employer is protesting the claim on the basis that the claimant was offered a new contract and signed said contract June 14, 2019.

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(8)B(4) provides:

8. Financing benefits paid to employees of nonprofit organizations.

b. Reimbursements for benefits paid in lieu of contributions shall be made in accordance with the following:

(4) The amount due specified in a bill from the department is conclusive unless, not later than fifteen days following the date the bill was mailed or otherwise delivered to the last known address of the nonprofit organization, the nonprofit organization files an application for redetermination with the department setting forth the grounds for the application. The department shall promptly review the amount due specified in the bill and shall issue a redetermination. The redetermination is conclusive on the nonprofit organization unless, not later than thirty days after the redetermination was mailed or otherwise delivered to the last known address of the nonprofit organization, the nonprofit organization files an appeal to the district court pursuant to subsection 5.

Iowa Code section 96.7(2)a(6), which applies to contributory employers, provides guidance in the situation here, which deals with a reimbursable employer. It 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.

The administrative law judge concludes that the employer did not receive notice of the claim. The administrative law judge further concludes that the employer's appeal of the notice of reimbursable charges within 15 days is timely.

Because the appeal is timely and the employer never previously received notice of the claim, the issues of the reason for the separation and requalification are remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

DECISION:

The October 15, 2019, notice of reimbursable benefit charges for the third quarter of 2019 is affirmed pending a determination on whether the claimant is eligible for benefits and whether the employer should be charged for those benefits.

REMAND:

The issues of whether the claimant's separation from employment with the employer on June 7, 2019, and signing a new contract June 14, 2019, disqualifies the claimant from receiving benefits or whether the claimant has requalified for benefits are remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

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

Decision Dated and Mailed

je/scn