

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ALAN NEELANS

Claimant

APPEAL NO: 13A-UI-13079-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

THE CROWN GROUP INCORPORATED

Employer

OC: 12/23/12

Claimant: Respondent (2-R)

Section 96.6-2 - Timeliness of Protest

STATEMENT OF THE CASE:

The employer appealed from the November 18, 2013, reference 06, decision that concluded it failed to file a timely protest regarding the claimant's separation of employment on October 21, 2013, and no disqualification of unemployment insurance benefits was imposed. A hearing was scheduled and held on December 16, 2013, pursuant to due notice. The claimant participated in the hearing. Lisa Kubot, Employer Representative, participated in the hearing on behalf of the employer. Department's Exhibit D-1 was admitted to the record.

ISSUE:

Did the employer file a timely 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 mailed to the employer's address of record on October 28, 2013. The notice of claim stated the protest must be received by the Department on or before November 7, 2013. The employer filed its protest by fax November 5, 2013.

There are issues regarding the claimant's separation from this employer that have not yet been investigated or adjudicated by the Claims Section.

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 it filed its protest November 5, 2013, and the protest was not due until November 7, 2013. Therefore, the protest is timely.

The issue of the claimant's separation from this employer is remanded to the Claims Section of Iowa Workforce Development for an initial investigation and determination.

DECISION:

The November 18, 2013, reference 06, decision is reversed. The employer has filed a timely protest. The issues of the claimant's separation from this employer are remanded to the Claims Section of Iowa Workforce Development for an initial investigation and determination.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

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