

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DESIREE HIGGINS

Claimant

APPEAL 21A-UI-01241-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

CONLIN COMMUNITY MANAGEMENT

Employer

OC: 05/10/20

Claimant: Respondent (4)

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 filed an appeal from the November 9, 2020, Statement of Charges for the third quarter of 2020 that included charges for claimant's unemployment insurance benefits. The parties were properly notified about the hearing. A telephone hearing was held on February 19, 2021. Claimant participated. Employer participated through human resource director Kathy DeWald. 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 May 10, 2020.

Employer previously signed up to receive electronic notices of claim through the State Information Data Exchange System (SIDES). Employer provided Iowa Workforce Development with the email address "michelled@conlinproperties.com" as the exclusive contact to receive notification that a claim for unemployment insurance benefits has been filed. The owner of the email address is no longer with the company and has been separated from employment with the employer since November 2018. The email address is no longer active. Employer has attempted to change the contact information on its SIDES account on numerous occasions.

On May 15, 2020, Iowa Workforce Development sent employer an email alert of the notice of claim in the SIDES system. The email was sent to michelled@conlinproperties.com. The notice of claim warned that a protest was due within ten days. Employer did not receive the email and was therefore unaware a claim had been filed.

On August 7, 2020, Iowa Workforce Development mailed employer a statement of charges for the second quarter of 2020, which included charges for claimant's unemployment insurance benefits. Employer did not receive its second quarter statement of charges.

On November 9, 2020, Iowa Workforce Development mailed employer a statement of charges for the third quarter of 2020, which included charges for claimant's unemployment insurance benefits. Employer received the statement of charges and filed an appeal on November 11, 2020.

Claimant has requalified for benefits since her separation from employment with this employer.

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.

In this case, employer did not receive notice of the claim. Employer did not receive the second quarter of statement of charges. Employer filed an appeal immediately after receiving its third quarter statement of charges. Without notice of a claim or charges, employer had no reasonable opportunity to protest. Therefore, employer's appeal of the third quarter of statement of charges shall be accepted as timely.

The administrative law judge further concludes that the claimant has requalified for benefits since the separation from this employer. Accordingly, benefits are allowed and the account of the employer shall not be charged.

DECISION:

The November 9, 2020, Statement of Charges for the third quarter of 2020 is modified in favor of the appellant. The employer had no prior notice of the claim and timely appealed the statement of charges. The claimant has requalified for benefits since the separation. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer shall not be charged.



Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
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March 2, 2021
Decision Dated and Mailed

cal/lj

NOTE TO EMPLOYER: To change your email address of record in the SIDES system, please send an email to iwd-sidesinfo@iwd.iowa.gov.