

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

PATRICK MCGRANE
Claimant

POWER ENGINEERING & MFG LTD
Employer

APPEAL NO. 14A-UI-07478-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 06/22/14
Claimant: Respondent (4)**

Iowa Code § 96.6-2 - Timeliness of Protest

STATEMENT OF THE CASE:

Power Engineering & Manufacturing, Ltd. (employer) appealed an unemployment insurance decision dated July 14, 2014, (reference 03), which held it failed to file a timely protest regarding the claimant's separation of employment on October 9, 2013, and no disqualification of unemployment insurance benefits was imposed. Due notice was issued scheduling the matter for a telephone hearing to be held August 13, 2014. Because a decision fully favorable to the parties could be made based on the record as it stood, a hearing was deemed unnecessary.

ISSUE:

The issue is whether the employer's protest in this matter was timely.

FINDINGS OF FACT:

The administrative law judge, having reviewed and considered all of the evidence in the record, finds that: The claimant's notice of claim was mailed to the employer's address of record on June 30, 2014. The protest was due on July 10, 2014. The employer received the notice of claim on July 3, 2014, but due to the holiday, it did not receive the same amount of time to protest the claim. The employer protested the claim on July 11, 2014, which is one day later than the printed due date. Since the holiday fell within those ten days, the due date was extended to the next business day.

The claimant has requalified for benefits since the separation from the employer.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the employer submitted a timely protest. An employer has ten days from the date a notice of claim is mailed to its last-known address to protest the payment of benefits to the claimant. See Iowa Code § 96.6-2. The employer received the original notice of claim in a timely but did not have the requisite ten days in which to file its protest due to the fourth of July holiday. Since the employer filed its protest within one day of the printed due date, its protest 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 employer's protest is timely. The unemployment insurance decision dated July 14, 2014, (reference 03), is modified in favor of the appellant. The claimant has requalified for benefits since the separation. Benefits are allowed, provided the claimant is otherwise eligible. The employer's account shall not be charged.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/css