

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ALEJANDRO MACIAS LUNA
Claimant

APPEAL NO: 14A-UI-07168-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

PLYMOUTH DAIRY FARMS INC
Employer

OC: 06/15/14
Claimant: Respondent (2-R)

Section 96.6-2 - Timeliness of Protest

STATEMENT OF THE CASE:

The employer appealed from the July 8, 2014, reference 01, decision that concluded it failed to file a timely protest regarding the claimant's separation of employment on March 13, 2014, and no disqualification of unemployment insurance benefits was imposed. A hearing was scheduled and held on August 5, 2014, pursuant to due notice. The claimant participated in the hearing with his wife, Sydney Hoffman Macias. Kurt Wierda, General Manager, participated in the hearing on behalf of the employer. Department's Exhibit D-1 was admitted to the record.

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 June 20, 2014. The employer filed its protest on July 1, 2014. There are issues regarding the claimant's separation from this employer that have not yet been investigated or adjudicated at the claims level.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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 attempted to fax the document to the Department two or three times the day it received the Notice of Claim June 27, 2014, and again on June 30, 2014, but it would not go through. 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 July 8, 2014, reference 01, decision is reversed. The employer has filed a timely protest. 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.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/pjs