



Department of Inspections,
Appeals, & Licensing

Iowa Department of Inspections, Appeals, & Licensing
Administrative Hearings Division
6200 Park Avenue, Suite 100, East Entrance
Des Moines, IA 50321-1270

Appeal Decision

Claim Number:

Determination Number:
7397121

Appeal Filed By:
SCOOTER'S COFFEE

Appeal Filed Date:
09/16/2025

Appeals Bureau Docket:
2025146973-AT



APPEALS BUREAU DECISION OF ADMINISTRATIVE LAW JUDGE

Mail Date: December 2, 2025

Appellee

Claimant/Job Seeker: Hailey Criswell

Claimant address: [Redacted]

Social Security Number: [Redacted]

Appellant

Employer: Scooter's Coffee

[Redacted]

In regard to the appeal by SCOOTER'S COFFEE:

STATUTORY REFERENCE

Iowa Code § 96.6(2) - Timeliness of Protest

ISSUES STATEMENT

Was the employer's protest timely?

CASE HISTORY

The employer, Random Enterprises, Inc., filed an appeal from the September 17, 2025, unemployment insurance decision that allowed benefits because the deputy determined the employer's protest was untimely. The parties were properly notified about the hearing. A telephone hearing was held on December 1, 2025. The claimant, Hailey Criswell, did not participate. The employer participated through Owner Kelly Schwinger. The administrative law judge took official notice of the administrative record.

FINDINGS OF FACT

Having reviewed all the evidence in the record, the administrative law judge finds: The employer established a SIDES account for the purpose of receiving electronic notice of unemployment insurance claims. The claimant filed an initial claim for unemployment insurance benefits effective August 17, 2025. On August 17, 2025, Iowa Workforce Development (IWD) issued a notice of claim to the employer via SIDES and sent the email alert to the email addresses designated by the employer. At the hearing, the employer's

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witness confirmed that the email address the notice was sent to is valid and would go to the owner of the business.

The email message stated that a notice of claim had been posted to the employer's SIDES account and that the deadline for responding to the notice of claim was August 27, 2025. The employer's protest response was submitted to IWD electronically on September 2, 2025.

At the hearing, the employer's witness testified that the email alert was sent to the email address associated with the employer's SIDES account on August 17, 2025. However, the employer's email system routed the email to a folder in the employer's email inbox, which the employer rarely checks. For this reason, the employer did not become aware of the claimant's claim for benefits until September 2, 2025. The employer completed the protest and submitted it to IWD later that same day, September 2, 2025.

CONCLUSION OF LAW

For the reasons that follow, the administrative law judge concludes that the employer did not file a timely protest.

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.

Iowa Admin. Code r. 871-24.8(2)(a)-(b) provides:

Employing units' response to a notice of the filing of an initial claim or a request for wage and separation information and protesting benefit payment.

a. The employing unit that receives a Notice of Claim or Request for Wage and Separation Information must, within ten days of the date of the notice or request, submit to the department wage or separation information that affects the individual's rights to benefits, including any facts disclosing that the individual separated from employment voluntarily and without good cause attributable to the employer or was discharged for misconduct in connection with employment.

b. The employing unit may protest the payment of benefits if the protest is postmarked within ten days of the date of the notice of the filing of an initial claim. If the tenth day falls on a Saturday, Sunday, or holiday, the protest period is extended to the department's next working day. If the employing unit has filed a timely report of facts that might adversely affect the individual's benefit rights, the report will be considered as a protest to the payment of benefits.

Iowa Admin. Code r. 871-24.27 provides:

(1) Except as otherwise provided by statute or by division rule, any payment, appeal, application, request, notice, objection, petition, report or other information or document submitted to the division will be considered received by and filed with the division:

a. If transmitted via the United States Postal Service on the date it is mailed as shown by the postmark, or in the absence of a postmark the postage meter mark of the envelope in which it is received; or if not postmarked or postage meter marked or if the mark is illegible, on the date entered on the document as the date of completion.

b. If transmitted via the State Identification Data Exchange System (SIDES), maintained by the United States Department of Labor, on the date it was submitted to SIDES.

c. If transmitted by any means other than those outlined in paragraphs 24.27(1) "a" and "b," on the date it is received by the division.

(2) The submission of any payment, appeal, application, request, notice, objection, petition, report or other information or document not within the specific statutory or regulatory period will be considered timely if it is established to the satisfaction of the division that the delay in submission was due to divisional error or misinformation or to delay or other action of the United States Postal Service.

(3) Delivery by mail. Any notice, report form, determination, decision, or other document mailed by the division will be considered as having been given to the addressee to whom it is directed on the date it is mailed to the addressee's last-known address. The date mailed is presumed to be the date of the document, unless otherwise indicated by the facts.



(4) Electronic delivery. Any notice, report form, determination, decision, or other document sent by the division via the U.S. Department of Labor state information data exchange system is considered as having been given to the party to whom it is directed on the date it is submitted on the system. The date submitted is presumed to be the date of the document, unless otherwise indicated by the facts.

The weight of the evidence indicates that notice of the August 17, 2025, notice of claim was sent to the email address on file in the online SIDES system. The administrative law judge is sympathetic to the employer's situation, as the email alert was routed into a folder in the employer's inbox. However, there is no provision in the Iowa code or administrative rules that allows for this protest to be considered timely. The employer has not shown their failure to comply with the jurisdictional time limit was caused by error from Iowa Workforce Development, incorrect information from that agency, or delay from the post office. Therefore, the administrative law judge lacks jurisdiction to remand for a fact-finding interview.

DECISION/REMAND

The September 17, 2025, unemployment insurance decision is **AFFIRMED**. The employer has failed to file a timely protest response and the decision of the representative shall stand and remain in full force and effect.



Patrick THOMAS

Administrative Law Judge

Iowa Department of Inspections, Appeals, & Licensing

Administrative Hearings Division

Unemployment Insurance Appeals Bureau

Please see the last page of this document for important information about reopening the appeal and further appeal rights.



INSTRUCTIONS FOR FILING AN APPEAL

If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

Employment Appeal Board
6200 Park Avenue Suite 100
Des Moines, IA 50321
Fax: (515)281-7191
Online: IowaWORKS account

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

AN APPEAL TO THE BOARD SHALL STATE CLEARLY:

1. A reference to the decision from which the appeal is taken.
2. That an appeal from such decision is being made and such appeal is signed.
3. The grounds upon which such appeal is based.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code 17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17a.19.pdf> or by contacting the District Court Clerk of Court <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Note to Parties: YOU MAY REPRESENT yourself in the appeal or obtain a lawyer or other interested party to do so provided there is no expense to Iowa Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds.

Note to Claimant: It is important that you file your weekly claim as directed, while the appeal is pending, to protect your continuing right to benefits.

SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.



Babel Notice – Claim and Appeal Information

Aviso: Aviso: Documento De Beneficios Del Seguro De Desempleo
Y Información De Apelación

IMPORTANT!

This document contains important information about your unemployment compensation rights, responsibilities and/or benefits. It is critical that you understand the information in this document. **DEADLINE FOR APPEAL:** If you disagree with this determination or decision, you must file an appeal before the deadline noted in this document. **IMMEDIATELY:** If needed, call 866-239-0843 for assistance in the translation and understanding of the information in the document(s) you have received.

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Este documento contiene información importante sobre sus derechos, obligaciones y/o beneficios de compensación por desempleo. Es muy importante que usted entienda la información contenida en este documento. **PLAZO LÍMITE PARA APELAR:** Si usted está en desacuerdo con esta determinación o decisión, debe presentar una apelación antes del plazo límite indicado en este documento. **INMEDIATAMENTE:** Si necesita asistencia para traducir y entender la información contenida en el documento(s) que recibió, llame al 866-239-0843.

重要提示！

这份文件包含有关失业补偿的权利、责任和/或利益的重要信息。您需要理解本文件中的信息，这一点至关重要。

上诉截止日期：如果您不同意本裁定或决定，您必须在本文件所载截止日期前提出上诉。**立即：**如果需要，请拨打866-239-0843，可获得帮助，以利您翻译和理解所收到的文件中的信息。

IMPORTANT!

Ce document contient des informations importantes sur vos droits d'allocation de chômage, vos responsabilités et/ou vos bénéfices. Il est indispensable que vous compreniez le contenu de ce document. **DATE LIMITE POUR FAIRE APPEL:** Si vous n'êtes pas d'accord avec cette détermination ou décision, vous devrez faire un appel avant la date limite signalée dans ce document. **IMMÉDIATEMENT:** Si nécessaire, téléphonez au 866-239-0843 pour avoir de l'assistance sur la traduction et/ou la compréhension de ce document.

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Ang mga dokumentong ito ay naglalaman ng mahalagang impormasyon tungkol sa iyong mga karapatan na makatanggap ng kabayaran, mga responsibilidad at /o benepisyo dahil sa pagkawala ng trabaho. Napakahalagang maunawaan mo ang mga impormasyong nilalaman sa dokumentong ito. **HULING ARAW PARA UMAPILA:** Kung hindi ka sumasang-ayon sa pagpapasiya o desisyon, dapat kang maghabol o magharap ng apila bago dumating ang huling araw na nabanggit sa dokumentong ito. **KAAGAD:** Kung kinakailangan ang tulong, tumawag sa 866-239-0843 para sa pagsasalin ng wika at pag-unawa ng impormasyon sa mga dokumentong natanggap mo.

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이 문서는 실업보상 권리, 책임 및/또는 혜택에 대한 중요한 정보가 포함되어 있습니다. 이 문서에 있는 정보를 이해 하는 것은 매우 중요합니다. **항소 마감:** 이 결정에 이견이 있으시면 항소인은 문서에 언급된 마감일 전에 항소를 제기하셔야 합니다. **즉시:** 받으신 문서의 번역 및 이해를 위해서 도움이 필요하시면 866-239-0843 로연락을 하시기 바랍니다.

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