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Title 22@ Social Security

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Division 1@ Employment Development Department

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Subdivision 1@ Director of Employment Development

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Division 1@ Unemployment and Disability Compensation

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Part 1@ Unemployment Compensation

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Chapter 4@ CONTRIBUTIONS AND REPORTS

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Article 4@ RESERVE ACCOUNTS

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Section 1034-1@ Protest of Benefit Charges

## 1034-1 Protest of Benefit Charges

(a) Adjustment of data or matters contained in the statements provided for in Section 1033 of the code shall originate with the mailing of such statements and the filing of a written protest thereto by an employer.

### (b)

Such protest shall include the employer's account number and shall specify the item or items to which exception is taken. If exception is taken to the accuracy of any amount shown on the statement of experience rating account, the protest should include a reference to and a reconciliation with the pertinent quarterly contribution reports previously filed by the employer, or statements furnished by the department. With respect to items representing benefits paid and charged to his account, the employer shall set forth the following information: (1) Name of claimant. (2) Claimant's social security number. (3) Date on which the initial claim for benefits was filed (as shown on the statement). (4) Amount of charges protested, and if known to the employer the week or weeks to which such charges relate. (5) Amount of wages earned, stated by calendar quarters, protested. (6) Full grounds for protest. (7) A certification by the employer that either (A) he was not notified of the claimant's eligibility for benefits, or (B) the benefit charges shown on the statement are not in accordance with a determination by the department or a decision on an appeal in respect to such benefits.

**(1)**

Name of claimant.

**(2)**

Claimant's social security number.

**(3)**

Date on which the initial claim for benefits was filed (as shown on the statement).

**(4)**

Amount of charges protested, and if known to the employer the week or weeks to which such charges relate.

**(5)**

Amount of wages earned, stated by calendar quarters, protested.

**(6)**

Full grounds for protest.

**(7)**

A certification by the employer that either (A) he was not notified of the claimant's eligibility for benefits, or (B) the benefit charges shown on the statement are not in accordance with a determination by the department or a decision on an appeal in respect to such benefits.

**(c)**

The department shall fully consider the items of the employer's statement of account to which exception is taken and shall make its determination thereon. The department shall furnish the employer promptly with a copy of its determination.

**(d)**

A protest of benefit charges under the provisions of this section will not be considered where the employer was notified as required by the code and these regulations of a determination of the claimant's eligibility and either (1) a final

decision of a referee or the Appeals Board affirmed the payment of benefits, or (2) the employer failed or neglected to file an appeal from such determination to a referee as provided in the code, or after a decision by the referee, failed or neglected to appeal to the Appeals Board as provided in the code.

**(e)**

An employer need not file a protest as to any benefit charge appearing on his statement of benefit charges in respect to which there is an appeal pending at the time such statement is furnished to him. If the final decision on such an appeal holds that the charges were erroneously made to the employer's account, the department shall upon its own initiative, in accordance with the code and these regulations, remove the amount of such charges from the employer's experience rating account.