

SUMMARY STATEMENT

Wittkopf v. Idaho Department of Labor, Docket No. 44909

This appeal concerns whether William Wittkopf's protest of an Idaho Department of Labor's ("IDOL") eligibility determination for unemployment benefits was untimely. In 2013, IDOL determined that Wittkopf was ineligible for unemployment benefits after he underreported his wages. In early 2016, Wittkopf filed for bankruptcy. Later in 2016, Wittkopf filed a new claim for unemployment benefits. IDOL denied the request, informing Wittkopf that while his bankruptcy discharged the debt, Wittkopf was still required to repay the amount to IDOL if he wanted to be eligible for unemployment benefits. Wittkopf promptly mailed a letter to IDOL protesting the denial of his unemployment benefits. The Appeals Examiner construed Wittkopf's letter as a protest of the 2013 eligibility determination and found that it was untimely. The Industrial Commission affirmed.

On appeal the Idaho Supreme Court vacated the order of the Industrial Commission and remanded the case for further proceedings. The Court recognized that IDOL made two benefit determinations: (1) the 2013 determination; and (2) the 2016 determination that Wittkopf was ineligible for current benefits because the 2013 debt remained unpaid. The Court concluded that Wittkopf's letter did not challenge the 2013 determination; rather, he argued that his 2016 bankruptcy discharged the 2013 debt and that he was wrongly denied *current* benefits. The Court remanded the case so that Wittkopf could have a hearing to assess the merits of his protest of the 2016 determination.