

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**JAY A LINDENMAYER**  
Claimant

**MONSANTO IOWA PRODUCTION CO LLC**  
Employer

**APPEAL 19A-UI-00812-SC-T**  
**ADMINISTRATIVE LAW JUDGE**  
**DECISION**

**OC: 12/23/18**  
**Claimant: Appellant (2)**

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Iowa Code § 96.5(5) – Receipt of Wages Earned and Holiday Pay/PTO

**STATEMENT OF THE CASE:**

Jay A. Lindenmayer (claimant) filed a timely appeal from the January 25, 2019, reference 02, unemployment insurance decision that determined he was entitled to a reduced unemployment insurance benefit amount for the week ending January 5, 2019, due to underreported holiday pay and earned wages. After due notice was issued, a telephone conference hearing was held on February 13, 2019 and consolidated with the hearings for appeals 19A-UI-00811-SC-T and 19A-UI-00813-SC-T. The claimant participated personally. Monsanto Iowa Production Co., LLC (employer) did not respond to the hearing notice and did not participate.

**ISSUES:**

Did the claimant receive holiday pay and earn wages during the week ending January 5, 2019?  
Is the claimant eligible for unemployment insurance benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed his claim for benefits effective December 23, 2018 following a temporary layoff from the employer and his weekly benefit amount (WBA) is \$467.00. The claimant earns \$17.00 an hour from the employer. During the week of January 5, he worked 24 hours and received eight hours of holiday pay. He earned a total of \$544.00 in wages including time worked and holiday pay. The claimant filed his weekly continued claim for benefits for the week ending January 5 and reported \$400.00 in wages. He received a total of \$183.00 in unemployment insurance benefits for that week.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant is not eligible for unemployment insurance benefits for the week ending January 5, 2019. Benefits are denied.

Iowa Code section 96.5(5) provides:

An individual shall be disqualified for benefits, regardless of the source of the individual's wage credits:

5. Other compensation.

a. For any week with respect to which the individual is receiving or has received payment in the form of any of the following:

(1) Wages in lieu of notice, separation allowance, severance pay, or dismissal pay.

(2) Compensation for temporary disability under the workers' compensation law of any state or under a similar law of the United States.

(3) A governmental or other pension, retirement or retired pay, annuity, or any other similar periodic payment made under a plan maintained or contributed to by a base period or chargeable employer where, except for benefits under the federal Social Security Act or the federal Railroad Retirement Act of 1974 or the corresponding provisions of prior law, the plan's eligibility requirements or benefit payments are affected by the base period employment or the remuneration for the base period employment. However, this subparagraph shall only be applicable if the base period employer has made one hundred percent of the contributions to the plan.

b. Provided, that if the remuneration is less than the benefits which would otherwise be due under this chapter, the individual is entitled to receive for the week, if otherwise eligible, benefits reduced by the amount of the remuneration. Provided further, if benefits were paid for any week under this chapter for a period when benefits, remuneration or compensation under paragraph "a", subparagraph (1), (2), or (3), were paid on a retroactive basis for the same period, or any part thereof, the department shall recover the excess amount of benefits paid by the department for the period, and no employer's account shall be charged with benefits so paid. However, compensation for service-connected disabilities or compensation for accrued leave based on military service by the beneficiary with the armed forces of the United States, irrespective of the amount of the benefit, does not disqualify any individual otherwise qualified from any of the benefits contemplated herein. A deduction shall not be made from the amount of benefits payable for a week for individuals receiving federal social security pensions to take into account the individuals' contributions to the pension program.

Iowa Admin. Code r. 871-24.13(2)a provides:

Deductible and nondeductible payments.

(2) Deductible payments from benefits. The following payments are considered as wages and are deductible from benefits on the basis of the formula used to compute an individual's weekly benefit payment as provided in rule 871-24.18(96):

a. Holiday pay. However, if the actual entitlement to the holiday pay is subsequently not paid by the employer, the individual may request an underpayment adjustment from the department.

Iowa Admin. Code r. 871-24.18 provides:

Wage-earnings limitations. An individual who is partially unemployed may earn weekly a sum equal to the individual's weekly benefit amount plus \$15 before being disqualified for excessive earnings. If such individual earns less than the individual's weekly benefit amount plus \$15, the formula for wage deduction shall be a sum equal to the individual's weekly benefit amount less that part of wages, payable to the individual with respect to that week and rounded to the nearest dollar, in excess of on-fourth of the individual's weekly benefit amount. [Emphasis added.]

This rule is intended to implement Iowa Code section 96.3, 96.4 and 96.19(38).

Iowa Code section 96.19(38) provides, in relevant part:

Definitions.

38. Total and partial unemployment

...

b. An individual shall be deemed partially unemployed in any week in which either of the following apply:

(1) While employed at the individual's then regular job, the individual works less than the regular full-time week and in which the individual earns less than the individual's weekly benefit amount plus fifteen dollars.

(2) The individual, having been separated from the individual's regular job, earns at odd jobs less than the individual's weekly benefit amount plus fifteen dollars.

The claimant's WBA is \$467.00. He can earn wages and holiday pay up to \$482.00 before he is disqualified from receiving benefits due to excessive earnings. During the week ending January 5, the claimant earned a total of \$544.00 in wages and is not considered unemployed due to excessive earnings. Therefore, he is not eligible for unemployment insurance benefits that week. Benefits are denied.

**DECISION:**

The January 25, 2019, reference 02, unemployment insurance decision is reversed. The claimant is not eligible for unemployment benefits for the week ending January 5, 2019, because he earned wages in excess of his WBA plus fifteen dollars.

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Stephanie R. Callahan  
Administrative Law Judge

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Decision Dated and Mailed

src/scn