

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RUSSELL J HEMANN**  
Claimant

**APPEAL NO. 10A-UI-06415-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**ALLIANT ENERGY CORPORATE SVCS INC**  
Employer

**OC: 05/17/09**  
**Claimant: Appellant (1)**

Section 96.5-7 – Vacation Pay

**STATEMENT OF THE CASE:**

Russell J. Hemann filed a timely appeal from an unemployment insurance decision dated April 20, 2010, reference 02, that denied unemployment insurance benefits for the two weeks ending June 13, 2009 upon a finding that he was entitled to receive vacation pay attributed to those weeks. After due notice was issued, a telephone hearing was held June 30, 2010 with Mr. Hemann participating. Employment and Labor Relations Consultant Angela Dock participated for the employer, Alliant Energy Corporate Services, Inc. The administrative law judge takes official notice of agency benefit payment records.

**ISSUE:**

Did the claimant receive vacation pay attributed to the two weeks ending June 13, 2009?

**FINDINGS OF FACT:**

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Russell J. Hemann filed a claim for unemployment insurance benefits during the week of May 17, 2009. For the week ending May 23, 2009, he reported vacation pay from his previous employer, Alliant Energy Corporate Services, Inc. As a result, he did not receive unemployment insurance benefits for that week. On May 27, 2009, the employer reported to the agency that Mr. Hemann received vacation pay in the gross amount of \$5,189.76. It attributed the vacation pay to the period June 1 through June 12, 2009. The agency did not act on that information until issuing a decision on April 20, 2010 denying benefits to Mr. Hemann for the two weeks ending June 13, 2009.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether the claimant is eligible to receive unemployment insurance benefits for the two weeks ending June 13, 2009. He is not.

Iowa Code section 96.5-7 requires that vacation pay be deducted dollar for dollar from an individual's unemployment insurance benefits for the week or weeks for which the benefits are

attributed. The employer is allowed to determine the period to which the vacation pay is attributed provided they provide the information to the agency in the time allowed for filing a timely protest. The employer has done so. The delay in this case is the fault of the agency. The administrative law judge concludes that Mr. Hemann is not eligible to receive unemployment insurance benefits for the two weeks ending June 13, 2009.

The consequences of the claimant's reporting the vacation pay for the week ending May 23, 2009 will be discussed in the companion decision, 10A-UI-06416-AT.

**DECISION:**

The unemployment insurance decision dated April 20, 2010, reference 02, is affirmed. The claimant is not eligible to receive unemployment insurance benefits for the two weeks ending June 13, 2009.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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