

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHERRI L OLSEN
Claimant

APPEAL NO. 09A-UI-10570-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PENFORD PRODUCTS CO
Employer

**Original Claim: 03/15/09
Claimant: Appellant (2)**

Iowa Code section 96.5-7 – Vacation Pay

STATEMENT OF THE CASE:

The claimant filed a timely appeal from an unemployment insurance decision dated July 17, 2009, reference 02, that denied unemployment insurance benefits for the first week of vacation that ended April 21, 2009. After reviewing all matters of record, the administrative law judge concludes that a formal hearing is not required.

ISSUE:

Was vacation pay deducted for the proper period?

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: The claimant was laid off on Tuesday, March 17, 2009. The employer has requested that all vacation pay be attributed to the week ending March 21, 2009.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the vacation pay received by the claimant was deducted for the proper week. It was not.

Evidence in the record establishes that the employer requested that all vacation pay be attributed to the week ending March 21, 2009, not to the week(s) indicated on the previous decision.

DECISION:

The unemployment insurance decision dated July 17, 2009, reference 02, is reversed. The claimant is entitled to receive unemployment insurance benefits for the week(s) ending April 18 and 25, 2009.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/kjw