

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TED H DEETS

Claimant

APPEAL NO. 09A-UI-07756-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CHRISTIAN RETIREMENT SERVICES INC

Employer

OC: 02/01/09

Claimant: Appellant (1)

Section 96.5(7) – Vacation Pay

STATEMENT OF THE CASE:

Ted Deets filed an appeal from a representative's decision dated May 15, 2009, reference 01, which held he was ineligible to receive job insurance benefits for the week ending February 14, 2009 because of his receipt of vacation pay from Christian Retirement Services, Inc. After due notice was issued, a hearing was held by telephone on June 15, 2009. Mr. Deets participated personally. The employer participated by Lisa Chapman, Business Manager.

ISSUE:

At issue in this matter is whether Mr. Deets' vacation pay was correctly deducted from his job insurance benefits.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Deets' last day of work for Christian Retirement Services, Inc. was February 4, 2009. In conjunction with his separation, he was paid vacation pay in the gross amount of \$524.16, which represented 48 hours of accrued vacation time. He typically worked a Tuesday through Saturday schedule.

Mr. Deets was also paid severance pay in the gross amount of \$873.60, which represented ten days of pay. The employer designated the vacation pay to cover the period from February 5 through February 12, 2009. The severance pay was designated for the period from February 13 through February 22, 2009. When filing his weekly claims for job insurance benefits, Mr. Deets reported vacation pay for each of the four weeks ending February 28, 2009. He was not paid job insurance benefits for any of the three weeks ending February 21, 2009.

REASONING AND CONCLUSIONS OF LAW:

Vacation pay is deductible from job insurance benefits on a dollar-for-dollar basis. The pay is deducted beginning with the first workday following the last day worked and for each workday thereafter until the full amount is exhausted. 871 IAC 24.16(1). Mr. Deets had four days of

vacation pay, three of which would be deducted for February 5, 6, and 7. The remaining day would be deducted for February 10.

Mr. Deets also had ten days of severance pay to be deducted from his job insurance benefits. Four of the ten days would be deducted for February 11, 12, 13, and 14. Based on the combination of vacation and severance pay, Mr. Deets was not entitled to benefits for the two weeks ending February 13, 2009. The treatment of the remaining severance pay is addressed in Appeal 09A-UI-07757-CT.

For the reasons stated herein, Mr. Deets was not eligible to receive benefits for the two weeks ending February 14, 2009. Because he reported his receipt of vacation pay, he was not paid job insurance benefits for either week. As such, there is no resulting overpayment.

DECISION:

The representative's decision dated May 15, 2009, reference 01, is hereby affirmed. Mr. Deets was not eligible to receive job insurance benefits for the two weeks ending February 14, 2009.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css