

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**DEBRA A VOGL**  
Claimant

**APPEAL NO. 16A-UI-04821-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DYNAMITE MARKETING INC  
PHARMTECH**  
Employer

**OC: 03/20/16  
Claimant: Appellant (1)**

Iowa Code § 96.5(7) – Vacation Pay

**STATEMENT OF THE CASE:**

Debra Vogl (claimant) appealed a representative's April 18, 2016 (reference 02) decision that concluded she was not eligible to receive unemployment insurance benefits for the one-week period ending March 26, 2016, due to the receipt of vacation pay from Dynamite Marketing (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for May 10, 2016. The claimant participated personally. The employer participated by Amanda Cauffman, Accounting Manager. Exhibit D-1 was received into evidence.

**ISSUE:**

The issue is whether claimant received vacation pay at separation, if that amount is deductible from benefits and, if so, for what period.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was separated on March 4, 2016 and received vacation pay in the amount of \$1,751.48. The employer did not designate the period of time to which the vacation pay was to be applied. When the claimant's employment ended the employer gave the claimant \$1,320.00, or two-weeks of severance pay. The claimant filed her claim for unemployment insurance benefits with an effective date of March 20, 2016.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the vacation pay was deducted for the correct period.

Iowa Admin. Code r. 871-24.16(3) provides:

(3) If the employer fails to properly notify the department within ten days after the notification of the filing of the claim that an amount of vacation pay, either paid or owed, is to be applied to a specific vacation period, the entire amount of the vacation pay shall

be applied to the one-week period starting on the first workday following the last day worked as defined in subrule 24.16(4). However, if the individual does not claim benefits after layoff for the normal employer workweek immediately following the last day worked, then the entire amount of the vacation pay shall not be deducted from any week of benefits.

Because the employer did not designate a time period to which the vacation pay is to apply, the entire amount was correctly deducted from the first week of benefits following the separation.

**DECISION:**

The April 18, 2016 (reference 02) decision is affirmed. The vacation pay was deducted for the correct period.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

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