

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**ROBERT L BROCKWAY**  
Claimant

**DEPT OF ARMY**  
Employer

**APPEAL 17A-UCFE-00006-DG-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 01/01/17**  
**Claimant: Appellant (2)**

Iowa Code § 96.5(7) – Vacation Pay

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the January 25, 2017, reference 02, decision that denied benefits. After due notice was issued a hearing was scheduled for February 28, 2017. Because of subsequent agency action, the hearing was not necessary.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The representative's decision the claimant appealed dated January 25, 2017 reference 02 denied benefits effective January 1, 2017 because claimant had received vacation pay. In a representative's decision dated February 8, 2017, reference 02 amending reference 02, the agency reversed that denial and allowed benefits effective January 1, 2017. After receiving new information for the Department of the United States Army it was found that the amounts received by claimant were not deductible as vacation pay.

**REASONING AND CONCLUSIONS OF LAW:**

Inasmuch as the agency reversed the prior disqualification prior to the hearing, there is no issue for the administrative law judge to adjudicate.

**DECISION:**

The representative's decision dated January 25, 2017, reference 02 is reversed so as to be consistent with the subsequent agency action. Benefits are allowed, provided the claimant is otherwise eligible.

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Duane L. Golden  
Administrative Law Judge

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Decision Dated and Mailed

dlg/rvs