

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KAREN A BONNER
Claimant

APPEAL NO. 10A-UI-06849-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CAREAGE MANAGEMENT
Employer

OC: 05/03/09
Claimant: Appellant (1)

Section 96.5(7) – Vacation Pay

STATEMENT OF THE CASE:

Karen Bonner filed an appeal from a representative's decision dated May 4, 2010, reference 01, which denied benefits for the two weeks ending May 16, 2009 because of her receipt of vacation pay from Careage Management. Due notice was issued scheduling a hearing by telephone on June 24, 2010. The employer did not respond to the notice of hearing. Based on documentation presented with Ms. Bonner's appeal, a hearing was deemed unnecessary.

ISSUE:

At issue in this matter is whether Ms. Bonner is eligible to receive job insurance benefits for the two weeks ending May 16, 2009.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Bonner's last day of work for Careage Management was March 31, 2009. She usually worked a flexible schedule of 26 hours each week and was paid \$23.30 per hour. In conjunction with her separation, she was paid vacation pay in the gross amount of \$4,291.39.

Ms. Bonner filed a claim for job insurance benefits effective May 3, 2009. She reported vacation pay of \$606.00 for each of the two weeks ending May 16, 2009. As a result, she did not receive job insurance benefits for either week. She reported vacation pay of \$167.00 for the week ending May 23 and received \$194.00 in benefits. She did not report vacation pay for any week after May 23, 2009.

REASONING AND CONCLUSIONS OF LAW:

Vacation pay is deducted from job insurance benefits on a dollar-for-dollar basis. Iowa Code section 96.5(7). Ms. Bonner did not file for job insurance benefits immediately after her March 31, 2009 separation from Careage Management. She filed her claim effective May 3, 2009. Her weekly job insurance benefit amount is \$361.00. Her weekly earnings in the

employment were \$605.80 (\$23.30/hour x 26 hours). The vacation pay she received computes to 184.18 hours of pay.

A total of 21 hours of vacation pay would be added to the five hours Ms. Bonner actually worked to complete her 26-hour work week ending April 4, 2009. A total of 26 hours of vacation pay would be deducted for each of the six weeks ending May 16, 2009. The remaining 7.18 hours would be deducted the week ending May 23, 2009. Ms. Bonner was clearly ineligible to receive job insurance benefits for the two weeks ending May 16, 2009 as the vacation pay for those weeks exceeded her weekly job insurance benefit amount. Since she did not receive, and did not expect to receive, benefits for either week, the issue is moot.

DECISION:

The representative's decision dated May 4, 2010, reference 01, is hereby affirmed. Ms. Bonner was ineligible to receive job insurance benefits for the two weeks ending May 16, 2009 because of her receipt of vacation pay from Careage Management.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/pjs