

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PENNY K BUGHMAN
Claimant

APPEAL NO. 12A-UI-03359-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MCGRAW-HILL INC
Employer

OC: 05/15/11
Claimant: Appellant (1)

Section 96.5-7 – Vacation Pay

STATEMENT OF THE CASE:

Penny K. Bughman filed a timely appeal from an unemployment insurance decision dated March 20, 2012, reference 01, that ruled she was ineligible for unemployment insurance benefits for the three weeks ending February 25, 2012, upon a finding that she had received vacation pay from McGraw-Hill, Inc. for the weeks in question. After due notice was issued, a telephone hearing was held April 17, 2012, with Ms. Bughman participating. The employer declined to participate in the hearing.

ISSUE:

Is the claimant eligible to receive unemployment insurance benefits for the three weeks ending February 25, 2012?

FINDINGS OF FACT:

Penny K. Bughman filed a claim for unemployment insurance benefits in May 2011. Her weekly benefit amount was \$202.00. She returned to work after August 13, 2011.

She was then laid off by McGraw-Hill, Inc. on February 6, 2012. In connection with the separation from employment in February, she received 120 hours of vacation pay in the gross amount of \$1,394.65. She also received severance pay for 5.15 weeks in the gross amount of \$2,394.13. She is receiving additional payments from the employer in return for her signed agreement not to file a legal action against the company in connection with the separation from employment.

Ms. Bughman received unemployment insurance benefits totaling \$808.00 for the four weeks ending March 10, 2012.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.5-7 requires that vacation pay be deducted from unemployment insurance benefits dollar-for-dollar for the week or weeks to which the vacation pay is attributed. The evidence in this record establishes that Ms. Bughman received three weeks of vacation pay

that must be attributed to the three weeks ending February 25, 2012. Since each week of vacation of vacation pay exceeded her weekly benefit amount for unemployment insurance purposes, she is not eligible to receive benefits for those weeks.

DECISION:

The unemployment insurance decision dated March 20, 2012, reference 01, is affirmed. The claimant is ineligible to receive unemployment insurance benefits for the three weeks ending February 25, 2012.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw