

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RODNEY R ELLINGSON
Claimant

APPEAL NO. 10A-UI-04286-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

NEMSCHOFF CHAIRS
Employer

**Original Claim: 02/21/10
Claimant: Appellant (2)**

Section 96.3(7) – Recovery of Overpayments
Section 96.5(7) – Vacation Pay

STATEMENT OF THE CASE:

Rodney Ellingson filed an appeal from a representative's decision dated March 11, 2010, reference 01, which held he had been overpaid job insurance benefits for the week ending February 27, 2010 because of his receipt of vacation pay. After due notice was issued, a hearing was held by telephone on May 3, 2010. Mr. Ellingson participated personally. The employer participated by Jeri Johnson, Human Resources Manager, and Stewart Cooper, Business Unit Manager.

ISSUE:

At issue in this matter is whether Mr. Ellingson received vacation pay for the week ending February 27, 2010.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Ellingson filed a claim for job insurance benefits effective February 21, 2010. He did not report any wages or other compensation when he called in his claim for the week ending February 27. The employer reported that he had received \$115.20 in vacation pay for one day during the week. This report was in error, as the vacation pay was for the following week, a week for which Mr. Ellingson did not claim job insurance benefits.

REASONING AND CONCLUSIONS OF LAW:

The employer has confirmed that the report of vacation pay was in error. Because he did not have vacation pay or other deductible payments for the week, Mr. Ellingson was entitled to his full benefit amount for the week ending February 27, 2010. As such, he has not been overpaid.

DECISION:

The representative's decision dated March 11, 2010, reference 01, is hereby reversed. Mr. Ellingson has not been overpaid job insurance benefits for the week ending February 27, 2010.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/kjw