

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DZEKO SKENDEROVIC
Claimant

APPEAL NO: 06A-UI-08027-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

TITAN TIRE CORPORATION
Employer

**OC: 07/02/06 R: 02
Claimant: Appellant (1)**

Section 96.5-7 - Vacation Pay

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated August 2, 2006, reference 01, that concluded he was ineligible for benefits due to the receipt of vacation pay. A telephone hearing was held on August 24, 2006. The parties were properly notified about the hearing. The claimant was represented at the hearing by his authorized representative, Anela Skenderovic. Joyce Kain participated in the hearing on behalf of the employer. Exhibit One was admitted into evidence at the hearing.

ISSUE:

Did the claimant receive deductible vacation pay and was it deducted correctly?

FINDINGS OF FACT:

The claimant was on a short-term layoff from the employer starting July 3, 2006. The claimant received \$508.00 in vacation pay, which was intended to cover the dates of July 3, 5, 6, 7, and 10. He also received \$104.00 in holiday pay for July 4.

The claimant filed a new claim for unemployment insurance benefits with an effective date of July 2, 2006. The employer responded to the notice of claim within ten calendar days of the date that it was mailed to the employer. In its response, the employer designated the period from July 3 through 10, 2006, as the period to which the vacation pay was to apply.

REASONING AND CONCLUSIONS OF LAW:

Vacation pay must be deducted from unemployment insurance benefits: (1) if the employer reports the amount of vacation pay and designates the dates to which the vacation pay applies within ten days after receiving the notice of claim form and (2) if the claimant claims benefits during a week the employer designates for vacation pay. If an employer does not designate the dates to which vacation pay applies by the ten-day deadline, the unused vacation pay must be divided by five and applied to the first five working days after the claimant's last day of work. If the amount of vacation pay applied to a week is less than the claimant's weekly benefit amount,

the claimant will receive an amount equal to the weekly benefit amount minus the vacation pay applied to the week. Iowa Code section 96.5-7.

In this case, the claimant received vacation pay and the employer timely designated the period to which the pay was attributable as July 3 to 10, 2006. There is nothing unreasonable about this designation, and the claimant is, therefore, ineligible for unemployment insurance benefits for the week ending July 8, 2006.

DECISION:

The unemployment insurance decision dated August 2, 2006, reference 01, is affirmed. The claimant is ineligible to receive unemployment insurance benefits for the week ending July 8, 2006, due to the receipt of vacation pay..

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs