

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ANGELA M ROSS**

Claimant

**APPEAL NO. 15A-UI-03078-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**THE UNIVERSITY OF IOWA**

Employer

**OC: 01/18/15**

**Claimant: Appellant (1)**

Iowa Code § 96.5(7) – Vacation Pay

**STATEMENT OF THE CASE:**

Angela Ross (claimant) appealed a representative's March 3, 2015 (reference 03) decision that concluded she was not eligible to receive unemployment insurance benefits for the one week period ending January 24, 2015, due to the receipt of vacation pay from The University of Iowa (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for April 9, 2015. The claimant participated personally. The employer participated by Mary Eggenburg, Benefits Specialist. Exhibit D-1 was admitted into evidence. The claimant offered and Exhibit A was received into evidence.

**ISSUE:**

The issue is whether claimant received vacation pay at separation, if that amount is deductible from benefits, and if so, for what period.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was separated on January 16, 2015 and received vacation pay in the amount of \$797.85 based upon a rate of pay at \$19.23 per hour. The employer did designate the period of time to which the vacation pay was to be applied.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the vacation pay was deducted for the correct period.

Iowa Admin. Code r. 871-24.16(3) provides:

- (3) If the employer fails to properly notify the department within ten days after the notification of the filing of the claim that an amount of vacation pay, either paid or owed,

is to be applied to a specific vacation period, the entire amount of the vacation pay shall be applied to the one-week period starting on the first workday following the last day worked as defined in subrule 24.16(4). However, if the individual does not claim benefits after layoff for the normal employer workweek immediately following the last day worked, then the entire amount of the vacation pay shall not be deducted from any week of benefits.

Because the employer did not designate a time period to which the vacation pay is to apply, the entire amount was correctly deducted from the first week of benefits following the separation.

**DECISION:**

The March 3, 2015 (reference 03) decision is affirmed. The vacation pay was deducted for the correct period.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

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