

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building
Fourth floor
Des Moines, Iowa 50319**

CATHY A SKINNER

Claimant,

and

IAC IOWA CITY LLC

Employer.

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HEARING NUMBER: 10B-UI-04895

**EMPLOYMENT APPEAL BOARD
DECISION**

SECTION: 10A.601 Employment Appeal Board Review

D E C I S I O N

FINDINGS OF FACT:

The Claimant had her benefits reduced based on a designation of a vacation pay period by the representative of the Employer. This designation was inaccurate and was made contrary to the intent of the Employer.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 10A.601(4) (2009) provides:

5. Appeal board review. The appeal board may on its own motion affirm, modify, or set aside any decision of an administrative law judge on the basis of the evidence previously submitted in such case, or direct the taking of additional evidence, or may permit any of the parties to such decision to initiate further appeals before it. The appeal board shall permit such further appeal by any of the parties interested in a decision of an administrative law judge and by the representative whose decision has been overruled or modified by the administrative law judge. The appeal board shall review the case pursuant to rules adopted by the appeal board. The appeal board shall promptly notify the interested parties of its findings and decision.

The Employer seeks to correct a good faith error that was made early on in the claimant's application for unemployment benefits. The effect of this error did not surface until after the commencement of the proceedings, and the Employer now seeks to correct that error. We do understand that an employer's designation of a vacation leave period is binding, and an employer cannot amend the designation willy-nilly. But in the extraordinary circumstances of this case – including that *both parties* request relief from a manifest error – we think the Employer should be allowed an opportunity to correct the error. We have dealt with this same error by this same Employer, who has been trying to make things right, in at least two other cases. We remanded in those cases and we do so in this one as well.

DECISION:

The decision of the administrative law judge dated May 17, 2010 is not vacated. This matter is remanded to the Iowa Workforce Development Center, Claims Section, for further consideration.

John A. Peno

Monique F. Kuester

Elizabeth L. Seiser

RRA/fnv