

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

KEVIN W WOLTMAN  
BOX 56  
305 RAILROAD ST  
LARRABEE IA 51029

TYSON RETAIL DELI MEATS INC  
c/o TALX UC EXPRESS  
PO BOX 283  
ST LOUIS MO 63166-0283

Appeal Number: 04A-UI-06082-AT  
OC: 04-25-04 R: 01  
Claimant: Appellant (2)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

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(Administrative Law Judge)

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(Decision Dated & Mailed)

Section 96.5-7 – Vacation Pay

STATEMENT OF THE CASE:

Kevin W. Woltman filed a timely appeal from an unemployment insurance decision dated May 21, 2004, reference 01, which denied unemployment insurance benefits for the week ending May 1, 2004 upon a finding that he was eligible to receive vacation pay for the week in question. Before a hearing could be scheduled in the matter, another fact-finding decision was issued on June 2, 2004. It amended the decision which Mr. Woltman had appealed by granting the relief he had requested. Under these circumstances, no evidentiary hearing is necessary.

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: Kevin W. Woltman is not entitled to receive vacation pay for the week ending May 1, 2004.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code Section 96.5-7 requires that vacation pay be deducted dollar for dollar from an individual's unemployment insurance benefits for the week or weeks to which the vacation pay is attributed. The evidence in this record establishes that Mr. Woltman did not and will not receive vacation pay for the week ending May 1, 2004.

DECISION:

The unemployment insurance decision dated May 21, 2004, reference 01, is reversed. The claimant is entitled to receive unemployment insurance benefits for the week ending May 1, 2004.

tjc/tjc