

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**TREVOR J BULTEN**  
Claimant

**APPEAL NO: 14A-UI-05099-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CENTRAL IOWA POWER COOP**  
Employer

**OC: 01/05/14**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(5) – Severance Pay

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's May 7, 2014 determination (reference 04) that held he was not eligible to receive benefits until April 27, 2014, because the severance pay he received from the employer had to be deducted from his maximum weekly benefit amount. The claimant participated at the June 11 hearing. Vicki Vargason, a human resource administrator, and Memory Schrader appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant's 16 weeks of severance makes him ineligible to receive benefits until the week of April 27, 2014.

**ISSUE:**

Does the severance pay the claimant received from the employer make him ineligible to receive benefits until the week of April 27, 2014?

**FINDINGS OF FACT:**

The claimant's last day of work for the employer was December 27, 2013. In accordance with the union contract the employer paid the claimant 16 weeks of severance pay. The claimant received for a total lump sum gross severance payment of \$22,848.

The claimant established a claim for benefits during the week of January 5, 2014. His maximum weekly benefit amount is \$501. In a decision for appeal 14A-UI-01501-JT, vacation pay the claimant received was attributed to the week ending January 11, 2014. The Benefits Bureau concluded that based on the claimant's weekly severance payment of \$1428, he was not eligible to receive unemployment insurance benefits until the week of April 27, 2014.

**REASONING AND CONCLUSIONS OF LAW:**

Under the unemployment insurance law, an individual is disqualified from receiving unemployment insurance benefits for any week in which he claims unemployment insurance benefits and has severance pay attributable to the same week. Iowa Code § 96.5(5)a. Employers are permitted to designate the period to which the severance pay is attributable if the

designation is made within ten calendar day after the employer receives notice of the filing of the individual's claim. 871 IAC 24.13(1). Severance pay must be deducted on a dollar-for-dollar basis. 871 IAC 24.13(2)

In this case, the claimant received 16 weeks of severance pay and the employer did not designate the period to which the pay was attributable. Based on the 16 weeks of severance pay, the Benefits Bureau concluded the claimant is not eligible to receive unemployment insurance until the week of April 27, 2014. Nothing is unreasonable about this application, and the claimant is, ineligible to receive unemployment insurance benefits until the week of April 27, 2014.

**DECISION:**

The representative's May 7, 2014 determination (reference 04) is affirmed. The claimant received 16 weeks of severance pay. As a result of the claimant's severance payment, he is not eligible to receive benefits until the week of April 27, 2014.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs