

**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**

**BRENT E WOODSIDE
3206 MAGNOLIA CT
BETTENDORF IA 52722**

**HARDI MIDWEST INC
1500 W 76TH ST
DAVENPORT IA 52806**

**Appeal Number: 04A-UI-10661-CT
OC: 09/12/04 R: 04
Claimant: Appellant (1)**

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, 4th 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.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5(7) – Vacation Pay

STATEMENT OF THE CASE:

Brent Woodside filed an appeal from a representative's decision dated September 29, 2004, reference 04, which denied benefits for the week ending September 18, 2004 because of his receipt of vacation pay from Hardi Midwest, Inc. After due notice was issued, a hearing was held by telephone on October 25, 2004. Mr. Woodside participated personally. The employer participated by Rod Weiss, Human Resources Administrator.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all the evidence in the record, the administrative law judge finds: Mr. Woodside's last day of work for Hardi Midwest, Inc. was

September 10, 2004. In connection with his separation, he was paid for his accumulated vacation time. The gross amount of the payment was \$620.80 and represented 64 hours of vacation time. Mr. Woodside's hourly rate of pay was \$9.70. He filed a claim for job insurance benefits effective September 12, 2004. His weekly job insurance benefit amount is \$291.00.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is what effect Mr. Woodside's receipt of vacation pay has on his entitlement to job insurance benefits. He had 64 hours, or eight days, of vacation pay. One day of vacation pay would be attributed to each workday following the last day worked until the vacation pay was exhausted. See Iowa Code section 96.5(7). Five days of Mr. Woodside's vacation pay would be used during the week ending September 18. Therefore, he would not be eligible for benefits for the week ending September 18. The remaining three days would be deducted the following week. The vacation pay computes to a daily rate of \$77.60. The vacation pay for three days (\$232.80, rounded to \$233.00) was deducted from benefits due Mr. Woodside for the week ending September 25, 2004. As of now, all of the vacation pay has been accounted for.

DECISION:

The representative's decision dated September 29, 2004, reference 04, is hereby affirmed. Mr. Woodside is not eligible to receive job insurance benefits for the one week ending September 18, 2004 because of his receipt of vacation pay.

cfc/pjs