

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JENNIFER CONARD
Claimant

APPEAL NO: 13A-UI-07924-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

THE UNIVERSITY OF IOWA
Employer

OC: 01/06/13
Claimant: Appellant (1)

Iowa Code § 96.5-7 - Receipt of Vacation Pay

STATEMENT OF THE CASE:

Jennifer Conard (claimant) appealed an unemployment insurance decision dated June 28, 2013, reference 03, which held that she was not eligible for unemployment insurance benefits for the two-week period ending January 19, 2013 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 held on August 8, 2013. The claimant participated in the hearing. The employer participated through Mary Eggenburg, Benefits Specialist. Employer's Exhibit One was admitted into evidence.

ISSUE:

The issue is whether the vacation pay was properly deducted.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was employed as a full-time revenue cycle representative from June 4, 2012 through January 7, 2013. After her separation, the employer calculated her vacation pay to be \$1,157.13 and designated the payment dates to be from January 8, 2013 through January 17, 2013 on the protest form. The claimant actually received \$1,497.78 in vacation pay for the timeframe of January 8, 2013 through January 22, 2013, which was paid on March 1, 2013.

REASONING AND CONCLUSIONS OF LAW:

The issue to be determined is whether the vacation pay was properly deducted. For the reasons that follow, the administrative law judge concludes the vacation pay was deducted for the correct period.

When an employer notifies the department within ten days of receiving a notice of claim that an amount of vacation pay, either paid or owed, is to be applied to a specific period, a sum equal to the wage of the individual for a normal workday shall be applied to the first and each

subsequent workday of the designated vacation until the amount of the vacation pay is exhausted. 871 IAC 16(1). If the employer does not timely designate the vacation period after receiving the notice of claim, the payment made by the employer to the claimant or an obligation to make a payment shall not be deemed wages for any period in excess of one week and such payment shall not be deducted from unemployment benefits for more than one week.

Since the employer has no control on when a claimant receives vacation pay when the payment is not directly deposited into a bank account, the date the claimant requests the vacation hours is when the vacation is owed. Just as wages are to be reported when they are earned, vacation pay should be reported for the time period the employer becomes obligated to pay out the vacation pay.

Since the employer only designated the vacation pay to be paid through January 17, 2013, the claimant is only disqualified for that timeframe, even though she received vacation pay through January 22, 2013.

DECISION:

The unemployment insurance decision dated June 28, 2013, reference 03, is affirmed. Vacation pay was deducted correctly. The claimant is not eligible to receive unemployment insurance benefits for the two-week period ending January 19, 2013.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/css