

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CONSTANCE A BECK
Claimant

APPEAL NO. 09A-UI-09518-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

MERCY MEDICAL CENTER – CLINTON INC
Employer

**Original Claim: 03/01/09
Claimant: Appellant (4)**

Section 96.5-5 – Severance Pay

STATEMENT OF THE CASE:

Constance A. Beck (claimant) appealed a representative's June 24, 2009 decision (reference 02) that concluded she was not eligible to receive benefits for the weeks ending March 7, 14, and 21, 2009, because severance pay she received from Mercy Medical Center – Clinton, inc. (employer) had to be applied to these weeks. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 20, 2009. The claimant participated in the hearing. Dave Frett, a human resource generalist, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

What weeks should the claimant's severance pay be attributed?

FINDINGS OF FACT:

The employer eliminated the claimant's part-time job on January 26, 2009, but she continued working as a casual employee. As of January 26, 2009, the employer paid the claimant six weeks of partial severance pay.

The claimant established a claim for benefits during the week of March 1, 2009. The employer initially reported the claimant's severance pay should be attributed to the period February 6 through March 20, 2009. On July 20, 2009, the employer acknowledged a mistake had been made and the claimant's severance pay should actually be attributed to January 26 through March 6, 2009.

REASONING AND CONCLUSIONS OF LAW:

Under the unemployment insurance law, an individual is disqualified from receiving unemployment insurance benefits for any week in which she 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 days after the employer receives notice of the filing of the individual's claim. 871 IAC 24.13(1).

Although the employer initially indicated the severance pay should be attributed to February 6 through March 21, the employer acknowledged this was mistake and intended the severance payment to cover January 26 through March 6. This means as of March 8, 2009, the claimant is eligible to receive benefits and no severance pay is attributed to the weeks ending March 14 and 21, 2008.

DECISION:

The representative's June 24, 2009 decision (reference 02) is modified in the claimant's favor. The claimant received six weeks of severance pay, but it is attributed to the weeks ending January 31 through March 7, 2009. This means as of March 8, the claimant is eligible to receive benefits and no severance pay is attributed to any subsequent week.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw