

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

JENNIFER L SCHNEIDER  
2174 – 40<sup>TH</sup> PL  
DALLAS IA 50062

BERMANS THE LEATHER EXPERTS INC  
% TALX UC EXPRESS  
P O BOX 283  
ST LOUIS MO 63166-0283

Appeal Number: 04A-UI-02221-CT  
OC: 02/01/04 R: 02  
Claimant: Appellant (4)

**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(5)a – Severance Pay

STATEMENT OF THE CASE:

Jennifer Schneider filed an appeal from a representative's decision dated February 26, 2004, reference 03, which held she was ineligible to receive job insurance benefits for the four weeks ending February 28, 2004 because of her receipt of severance pay. Due notice was issued scheduling the matter for a telephone hearing to be held on March 18, 2004. However, based on information presented prior to the hearing, a hearing was deemed unnecessary.

FINDINGS OF FACT:

Having reviewed all the evidence in the record, the administrative law judge finds: Ms. Schneider's last day of work for Bermans was January 28, 2004. In conjunction with her

separation, she received severance pay in the gross amount of \$720.00. This amount represented ten days of pay. Ms. Schneider filed her claim for job insurance benefits effective February 1, 2004.

#### REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is what effect Ms. Schneider's receipt of severance pay has on her claim for job insurance benefits. Severance payments are deducted on a dollar-for-dollar basis. See 871 IAC 24.13(c). Ms. Schneider had ten days of severance pay to be attributed to the workdays following January 28. Two days of severance would be deducted for January 29 and January 30, leaving eight days remaining. Five of those days would be deducted during the week ending February 7, leaving three days remaining. At a daily rate of \$72.00, Ms. Schneider had \$216.00 to be deducted during the week ending February 14. Inasmuch as \$216.00 is in excess of the weekly benefit amount of \$210.00, no benefits would be payable for the week ending February 14, 2004.

#### DECISION:

The representative's decision dated February 26, 2004, reference 03, is hereby modified. Ms. Schneider is ineligible to receive job insurance benefits for the two weeks ending February 14, 2004 because of her receipt of severance pay. Benefits are allowed thereafter, provided she satisfies all other conditions of eligibility.

cfc/s