

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RICHARD R KING
Claimant

APPEAL NO: 09A-UI-09047-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

GAZETTE COMMUNICATIONS INC
Employer

OC: 02/22/09
Claimant: Appellant (1)

Section 96.5-7 – Vacation Pay

STATEMENT OF THE CASE:

Richard R. King (claimant) appealed a representative's June 16, 2009 decision (reference 02) that concluded he was not eligible to receive benefits for the week ending February 28 because he received or was entitled to receive vacation pay from Gazette Communications, Inc. (employer) this week. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 10, 2009. The claimant participated in the hearing. Janey Rickleff, the human resource manager, appeared on the employer's behalf. During the hearing, Claimant Exhibit A was offered and admitted as evidence. 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 period of time should the vacation pay the claimant received be attributed to?

FINDINGS OF FACT:

The claimant's last day of work was February 25, 2009. The claimant established a claim for benefits during the week of February 22, 2009.

The employer timely reported to the Department that the claimant received \$628.94 in vacation pay. The employer designated the vacation pay was attributed to February 25 through February 27, 2009.

REASONING AND CONCLUSIONS OF LAW:

When an employer properly notifies the Department the vacation pay is to be applied to a specific period, a sum equal to the wages of the individual for a normal workday shall be applied to the first and each subsequent workday of the designated vacation period until the vacation pay is exhausted. 871 IAC 24.16.1. Since the employer timely designated the vacation pay was to be attributed to February 25 to 27, 2009, the Department must attribute the vacation pay to these days. This means all the vacation pay, \$628.94, the claimant received must be attributed to the week ending February 28, 2009.

DECISION:

The representative's June 16, 2009 decision (reference 02) is affirmed. The vacation pay, \$628.94, the claimant received is attributed to the week ending February 28, 2009. The claimant is not eligible to receive benefits this week.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css