

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RAYMOND H HACK
Claimant

APPEAL NO. 10A-UI-03821-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WINDOR INC
Employer

OC: 05/03/09
Claimant: Appellant (5)

Section 96.5-7 – Vacation Pay

STATEMENT OF THE CASE:

Raymond H. Hack filed a timely appeal from an unemployment insurance decision dated March 5, 2010, reference 03, that ruled he was not eligible to receive unemployment insurance benefits for the week ending May 9, 2009 upon a finding that he had received vacation pay for the week in question. Due notice was issued for a telephone hearing to be held April 26, 2010. After reviewing all matters of record, the administrative law judge concludes that a formal hearing is not required.

ISSUE:

Did the claimant receive vacation pay for the week ending May 9, 2009?

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: Raymond H. Hack received vacation pay from Windor, Inc. for the week ending May 9, 2009. He properly reported the vacation pay when he filed his weekly claim. He filed his appeal because he feared the agency would rule later that he had been overpaid for that week.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Mr. Hack was eligible to receive unemployment insurance benefits for the week ending May 9, 2009. He was not.

Iowa Code section 96.5-7 requires that vacation pay be deducted dollar for dollar from an individual's unemployment insurance benefits for the week or weeks to which the vacation pay should be attributed. The evidence establishes that the employer reported vacation pay for Mr. Hack for the week ending May 9, 2009 and that Mr. Hack properly reported it. He received no benefits. There has been no overpayment. There was no reason for the fact-finding decision of March 5, 2010 to be issued.

DECISION:

The unemployment insurance decision dated March 5, 2010, reference 03, is modified. The claimant reported vacation pay for the week ending May 9, 2009. He has not been overpaid.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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