

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**APRIL D AARHUS**  
Claimant

**APPEAL NO. 08A-UI-06889-HT**

**ADMINISTRATIVE LAW JUDGE  
AMENDED DECISION**

**APAC CUSTOMER SERVICES  
OF IOWA LLC**  
Employer

**OC: 06/08/08 R: 03  
Claimant: Appellant (2)**

Section 96.5-7 Vacation Pay

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from an unemployment insurance decision dated July 23, 2008, reference 01, that ruled that she had been overpaid \$27.00 in benefits for the week ending June 14, 2008, upon a finding that she had received vacation pay for the week in question. Due notice was issued for a telephone hearing to be held August 12, 2008. Neither the claimant nor the employer, APAC Customer Services, provided telephone numbers at which witnesses could be contacted. However, on August 14, 2008, information submitted by the employer well in advance of the hearing finally was delivered to the Appeals Section. Based upon this additional information, the administrative law judge issues the following amended decision.

**ISSUE:**

Has the claimant been overpaid unemployment insurance benefits?

**FINDINGS OF FACT:**

Having examined all matters of record, the administrative law judge finds: The initial overpayment of \$27.00 was based upon information indicating that the claimant had received \$27.00 of vacation pay attributable to the week ending June 14, 2008. Information now supplied by the employer establishes that the vacation pay was instead for the week ending June 7, 2008, the week before the claimant requested benefits.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether the claimant must repay \$27.00 in benefits for the week ending June 14, 2008. She need not do so.

Iowa Code section 96.5-7 requires that vacation pay be deducted from an individual's unemployment insurance benefits dollar for dollar for the week or weeks to which the benefits are attributed. The evidence in this record establishes that the vacation pay must be attributed to the week ending June 7, 2008, a week in which the claimant did not request unemployment

insurance benefits. Therefore, the provisions of Iowa Code section 96.3-7 dealing with the repayment of unemployment insurance benefits received in error do not apply.

**DECISION:**

The unemployment insurance decision dated July 23, 2008, reference 01, is reversed. The claimant has not been overpaid unemployment insurance benefits for the week ending June 14, 2008.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/kjw/kjw