

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RANDY E MARCHANT**  
Claimant

**APPEAL NO. 07A-UCFE-00014-C**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DEPT OF VETERANS AFFAIRS**  
Employer

**OC: 02/04/07 R: 02  
Claimant: Appellant (1)**

Section 96.5(7) – Vacation Pay

**STATEMENT OF THE CASE:**

Randy Marchant filed an appeal from a representative's decision dated March 21, 2007, reference 02, which held he was not eligible to receive job insurance benefits for the four weeks ending March 3, 2007 because of his receipt of vacation pay from the Department of Veterans Affairs (VA). After due notice was issued, a hearing was held on April 30, 2007 in Des Moines, Iowa. Mr. Marchant participated personally. The employer participated by Sabrina Owens, Assistant Chief of Human Resources.

**ISSUE:**

At issue in this matter is whether Mr. Marchant had vacation pay to be deducted from his job insurance benefits.

**FINDINGS OF FACT:**

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Marchant's last day of work for VA was January 31, 2007. In connection with his separation, he was paid the gross amount of \$4,025.27 as vacation pay. The employer indicated to Workforce Development that the vacation pay was for 190.5 hours and covered the period from February 1 through March 6, 2007. Mr. Marchant filed a claim for job insurance benefits effective February 4, 2007. The vacation pay was received on or about February 9, 2007.

**REASONING AND CONCLUSIONS OF LAW:**

Mr. Marchant's 190.5 hours of vacation pay represented approximately 24 days of pay. Vacation pay is attributed to the first workday following the last day worked and to each day thereafter until the full amount is exhausted. 871 IAC 24.16(1). An individual is not entitled to receive job insurance benefits until the vacation pay is exhausted. Mr. Marchant's 24 days of vacation pay were exhausted on March 6, 2007. Therefore, the representative's decision denying benefits through the week ending March 3, 2007 was correct and shall be affirmed. The two days of vacation pay for March 5 and 6 would be deductible for the week ending March 10, 2007.

**DECISION:**

The representative's decision dated March 21, 2007, reference 02, is hereby affirmed. Mr. Marchant is not eligible to receive job insurance benefits for the four-week period ending March 3, 2007 because of his receipt of vacation pay. Benefits are allowed effective March 4, 2007, provided Mr. Marchant satisfies all other conditions of eligibility and is not otherwise disqualified.

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Carolyn F. Coleman  
Administrative Law Judge

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Decision Dated and Mailed

cfc/pjs