

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KATI L HUFFMAN
Claimant

APPEAL NO. 08A-UI-06313-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

QWEST CORPORATION
Employer

**OC: 06/01/08 R: 02
Claimant: Appellant (2)**

Section 96.5-7 - Vacation Pay
Section 96.3-7 - Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated July 7, 2008, reference 03, that concluded she was overpaid \$82.00 in benefits due to the receipt of vacation pay. A telephone hearing was held on July 23, 2008. The parties were properly notified about the hearing. The claimant participated in the hearing. No one participated in the hearing on behalf of the employer. Exhibit A-1 was admitted into evidence at the hearing.

ISSUE:

Did the claimant receive deductible vacation pay and was it deducted correctly?

FINDINGS OF FACT:

The claimant worked for the employer from February 18 to April 28, 2008. The claimant filed a new claim for unemployment insurance benefits with an effective date of June 1, 2008. The claimant filed for and received a total of \$181.00 in unemployment insurance benefits for the week ending June 14, 2008.

The employer responded to the notice of claim within ten calendar days of the date that it was mailed to the employer. In its response, the employer stated the claimant had been paid \$81.60 in vacation pay on June 9, 2008. This response was in error, as the claimant was not eligible for and never received any vacation pay from the employer.

REASONING AND CONCLUSIONS OF LAW:

Vacation pay must be deducted from unemployment insurance benefits: (1) if the employer reports the amount of vacation pay and designates the dates to which the vacation pay applies within ten days after receiving the notice of claim form and (2) if the claimant claims benefits during a week the employer designates for vacation pay. Iowa Code section 96.5-7.

In this case, the claimant never received any vacation pay from the employer. She was eligible for benefits and was not overpaid any benefits for the week ending June 14, 2008.

DECISION:

The unemployment insurance decision dated July 7, 2008, reference 03, is reversed. The claimant was eligible for benefits and was not overpaid any benefits for the week ending June 14, 2008.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/kjw