

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

FRANK R KULAK
Claimant

APPEAL NO. 09A-UI-10877-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

PENFORD PRODUCTS CO
Employer

**Original Claim: 03/15/09
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 16, 2009, reference 01, that denied unemployment insurance benefits for the week ending April 21, 2009, upon a finding that the claimant had received vacation pay for the week in question. After reviewing all matters of record, the administrative law judge concludes that a formal hearing is not required.

ISSUE:

Was vacation pay deducted for the proper period?

FINDINGS OF FACT:

Having examined all matters of record, the administrative law judge finds: The claimant was laid off on March 17, 2009. The employer has requested that all vacation pay be attributed to the week ending March 21, 2009.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the vacation pay received by the claimant was deducted for the proper week. It was not.

Evidence in the record establishes that the employer requested that all vacation pay be attributed to the week ending March 21, 2009, not to the week indicated on the previous decision.

DECISION:

The unemployment insurance decision dated July 16, 2009, reference 01, is reversed. The claimant is entitled to receive unemployment insurance benefits for the week ending April 21, 2009.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw