

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRIAN P SCHUELLER
Claimant

APPEAL NO. 09A-UI-00598-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

AUGUST HOME PUBLISHING CO
Employer

OC: 11/02/08 R: 02
Claimant: Appellant (1)

Section 96.5-7 – Vacation Pay

STATEMENT OF THE CASE:

Brian P. Schueller filed a timely appeal from an unemployment insurance decision dated January 12, 2009, reference 02, that denied benefits to him for the week ending November 8, 2008 upon a finding that he had received or was entitled to receive vacation pay in an amount equaling or exceeding his weekly benefit amount. After due notice was issued, a telephone hearing was held January 29, 2009 with Mr. Schueller participating. Laura Thomas, Senior Accountant, participated for the employer, August Home Publishing Company.

ISSUE:

Did the claimant receive vacation pay for the week ending November 8, 2008?

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Brian P. Schueller filed a claim for unemployment insurance benefits during the week of November 2, 2008. His weekly benefit amount is \$375.00. His last day of work was Monday, November 3, 2008. In connection with his separation from employment he received 20 hours of vacation pay in the gross amount of \$544.69.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Mr. Schueller is eligible to receive unemployment insurance benefits for the week ending November 8, 2008. He is not.

Iowa Code section 96.5-7 requires that vacation pay be deducted dollar for dollar from unemployment insurance benefits for the week or weeks to which the vacation pay is attributed. The evidence here establishes that Mr. Schueller received vacation pay attributable to the week ending November 8, 2008 in an amount exceeding his weekly benefit amount. Therefore, he is not entitled to receive unemployment insurance benefits for that week.

DECISION:

The unemployment insurance decision dated January 12, 2009, reference 02, is affirmed. The claimant is not entitled to receive unemployment insurance benefits for the week ending November 2, 2008.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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