

IOWA WORKFORCE DEVELOPMENT  
Unemployment Insurance Appeals Section  
1000 East Grand—Des Moines, Iowa 50319  
DECISION OF THE ADMINISTRATIVE LAW JUDGE  
68-0157 (7-97) – 3091078 - EI

DANIEL L SNELSON  
1420 SPRINGS DR  
PLEASANT HILL IA 50327

PECHINEY PLASTIC PACKAGING INC  
c/o TALX UC EXPRESS  
PO BOX 283  
ST LOUIS MO 63166-0283

Appeal Number: 06A-UI-04489-CT  
OC: 02/26/06 R: 02  
Claimant: Appellant (2)

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

---

(Administrative Law Judge)

---

(Decision Dated & Mailed)

Section 96.5(7) – Vacation Pay

STATEMENT OF THE CASE:

Daniel Snelson filed an appeal from a representative's decision dated April 24, 2006, reference 01, which held he was ineligible for job insurance benefits for the one week ending April 1, 2006 because of his receipt of vacation pay from Pechiney Plastic Packaging, Inc. Due notice was issued scheduling the matter for a telephone hearing to be held on May 11, 2006. Mr. Snelson responded to the notice of hearing but the employer did not. Based on information provided with the appeal, the administrative law judge determined that a hearing was not necessary.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Snelson was on layoff from his job with Pechiney Plastic Packaging, Inc. from March 27 through March 31, 2006. Work resumed on April 3 but Mr. Snelson took vacation that week. The employer paid him vacation pay on the Wednesday preceding the week he was to be on vacation. The \$896.65 Mr. Snelson received on March 29 was to cover the week of April 3 through April 7, 2006.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Mr. Snelson has been overpaid job insurance benefits for the week ending April 1, 2006. He was on layoff that week and did not have any wages or other deductible income during the week ending April 1. The vacation pay was for a period after April 1. For the above reasons, the administrative law judge concludes that Mr. Snelson was entitled to his full job insurance benefit amount for the week ending April 1, 2006.

DECISION:

The representative's decision dated April 24, 2006, reference 01, is hereby reversed. Mr. Snelson did not have vacation pay to be deducted for the week ending April 1, 2006. Benefits are allowed, provided he satisfies all other conditions of eligibility.

cfc/kkf