

VERMONT DEPARTMENT OF LABOR
P.O. Box 488, Montpelier, Vermont 05601-0488

Determination

2830
CHRISTINA RAINVILLE
1247 COLE POND RD
JAMAICA, VT 05343

Determination Date:
01-15-2016

Employer:
VERMONT, STATE OF
120 STATE STREET 4TH FLOOR, EA
MONTPELIER, VT 05620-2504

CHRISTINA RAINVILLE
1247 COLE POND RD
JAMAICA, VT 05343

Issues:
Discharge
Wages In Lieu

**THIS CLAIM FOR UNEMPLOYMENT COMPENSATION HAS BEEN REVIEWED
AND IT HAS BEEN FOUND THAT:**

You were last employed by the State of Vermont. You were discharged from this employment for disclosing information you felt was pertinent to a case. Your last day worked was December 11, 2015. Upon separation, you were paid through December 25, 2015. Since you did not file a claim until the week ending December 26, 2015, only one week of the wages in lieu of notice remains an issue. To date, your employer has not responded to a departmental request for further information regarding this matter.

Based on the available evidence, you were discharged by your last employing unit but not for misconduct connected with your work when the employer has failed to substantiate such.

The wages in lieu of notice is allocated to the period immediately following your separation, and inasmuch as such payment is in excess of your weekly benefit amount for the week ending December 26, 2015 you are disqualified for such week.

You are disqualified for benefits for the week ending December 26, 2015 under the wages in lieu of notice provision of the law, in accordance with Title 21, Chapter 17, Section 1344 (a) (5), Vermont Statutes Annotated. Claims thereafter are allowed provided you meet all other eligibility requirements.

Any employer liable to reimburse the fund for benefits paid in accordance with 21 VSA, 1321 (C)(5) cannot be relieved of charges by this determination.

Jennifer Aines
Claims Adjudicator

This determination will become final unless, within 30 calendar days of the determination date, a written request for review by an administrative law judge is filed. The appeal may be submitted:

1. by E-mail at labor.appeals@vermont.gov
2. by fax at 802-828-4289
3. by US mail at Appeals, Vermont Department of Labor, PO Box 488, Montpelier, VT 05601-0488
4. in person at the administrative offices of the Vermont Department of Labor, 5 Green Mountain Drive, Montpelier.

The postmark date of a mailed appeal will be considered the filing date, the E-mail date will be treated as the filing date of an E-mailed appeal, and the fax date of a faxed appeal will be treated as the filing date. An appeal filed in person will be date-stamped by the person receiving the appeal and the date stamp will be deemed the filing date. A copy of the notice of appeal will be mailed to the other parties in interest. Upon appeal, the administrative law judge will review the evidence taken before the adjudicator and his or her findings and conclusions and the evidence and testimony received in the course of the appeal hearing.

Additional information and assistance about filing an appeal is available at www.labor.vermont.gov or by calling 802-828-4368.

Claimants who are filing an appeal to an administrative law judge should continue to file weekly benefit claims in the usual manner while the appeal is under consideration.

CC:

CHRISTINA RAINVILLE
VERMONT, STATE OF