

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JULIE N LINDKE**

Claimant

**APPEAL NO. 10A-UI-09440-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CLEAR CREEK-AMANA COMM SCHOOL**

**DIST**

Employer

**OC: 11/15/09**

**Claimant: Appellant (3)**

Iowa Code Section 96.4(5) – Between Academic Terms Disqualification

**STATEMENT OF THE CASE:**

Julie Lindke filed a timely appeal from the May 5, 2010, reference 06, decision that denied benefits for the week ending January 2, 2010 based on the between academic terms disqualification set forth at Iowa Code section 96.4(5). After due notice was issued, a hearing was held on August 26, 2010. Ms. Lindke participated. Melissa Potter, Human Resources Secretary, represented the employer. Exhibits One, A and B and Department Exhibit D-1 were received into evidence. The administrative law judge took official notice of the decision entered in Appeal Number 09A-UI-19499-JTT, which allowed benefits based on wage credits from Clear Creek-Amana School District under a theory of partial unemployment, provided the claimant was otherwise eligible. The hearing in this matter was consolidated with the hearing in Appeal Numbers 10A-UI-09439-JTT, 10A-UI-11518-JTT, and 10A-UI-11519-JTT,

**ISSUE:**

Whether the claimant is disqualified for unemployment insurance benefits based on wages from Clear Creek-Amana School District for the week ending January 2, 2010 based on the between academic terms disqualification provision set forth at Iowa Code section 96.4(5).

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Julie Lindke is employed by Clear Creek-Amana Community School District as a part-time, on-call substitute teacher. Ms. Lindke's base period wage credits consist entirely of wages from substitute teaching, including an assignment that lasted for almost the whole 2008-2009 academic year. Ms. Lindke established a claim for unemployment insurance benefits that was effective November 15, 2009 and has received benefits. For the week that ended December 26, 2009 and for the week ending January 2, 2010, Ms. Lindke reported zero wages and received \$388.00 in regular benefits and an additional \$25.00 in federal stimulus benefits. Clear Creek-Amana was on winter break from Wednesday, December 23, 2009 through Sunday, January 3, 2010.

**REASONING AND CONCLUSIONS OF LAW:**

A professional employee of an educational institution is ineligible for unemployment insurance benefits based on wage credits earned from that employment during any week that falls during a traditional holiday break or other traditional break in the academic calendar, provided that the employee has reasonable assurance that the employee will continue in the employment after the break under the same conditions as existed before the break. See Iowa Code section 96.4(5).

Clear Creek-Amana Community School District is an “educational institution” affected by the between academic terms disqualification provision Iowa Code section 96.4(5). Ms. Lindke was a part-time, on-call professional employee of Clear Creek-Amana Community School District during the 2009-2010 academic year. Ms. Lindke had this same position both before and after the 2009-2010 Winter break that included most of the week that ended December 26, 2009 and all of the week that ended January 2, 2010. Ms. Lindke had reasonable assurance before the break that she would have the same or similar employment after the break. Because Ms. Lindke’s base period wage credits are based solely on work performed for educational institutions, Ms. Lindke would not be eligible for unemployment insurance benefits for the week that ended December 26, 2009 or the week that ended January 2, 2010.

**DECISION:**

The claims representative’s May 5, 2010, reference 06 decision is modified as follows. The claimant is disqualified for benefits for the week ending December 26, 2009 and the week ending January 2, 2010, based on the between academic terms disqualification provisions of Iowa Code section 96.4(5).

---

James E. Timberland  
Administrative Law Judge

---

Decision Dated and Mailed

jet/css