

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**RHONDA L BOYLE**  
Claimant

**APPEAL NO. 13A-UI-07514-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**RICEVILLE COMMUNITY SCHOOL DIST**  
Employer

**OC: 06/21/13**  
**Claimant: Appellant (1-R)**

Section 96.4-5-b – School Employee Between Academic Terms

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated June 21, 2013, reference 01, that concluded she was ineligible for benefits based on her school wages because she was a school employee between academic years and had reasonable assurance of employment in the next school year. The decision also stated that she was eligible for benefits based on her wages from her other job. A telephone hearing was held on July 30, 2013. The parties were properly notified about the hearing. The claimant participated in the hearing. Jennifer Dunn participated in the hearing on behalf of the employer.

**ISSUE:**

Is the claimant subject to the unemployment insurance law's "between terms" provision that denies benefits to certain educational employees between school terms?

**FINDINGS OF FACT:**

The employer is a school district in Riceville, Iowa. The claimant began working as a teacher's aide for the school district for the employer in 1999. She is employed full time during the school year and is off work over the summer months when school is not in session. She worked until May 27, 2013.

After school was out in May, the claimant applied for unemployment insurance benefits. Her base-period wages include wages from the school district and from The Respite Connection Inc. The wages from The Respite Connection Inc. were as follows:

Employer	Acct	1st Quarter 2012	2nd Quarter 2012	3rd Quarter 2012	4th Quarter 2012
Respite Connection	325682	1379	1127	1458	819

At the point the claimant applied for benefits, she had reasonable assurance of working in the same job for the employer for the 2013-14 school year. The employer has re-employed her for each school year and indicated in a letter that she would be employed for the next school year.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the claimant is subject to the unemployment insurance law's "between terms" provision that denies benefits to certain educational employees between school terms.

Iowa Code Section 96.4-5-a and b provides that benefits based on services performed in an instructional or noninstructional capacity for an educational institution shall not be paid between two academic years or terms if the employee has a contact or reasonable assurance of employment in the same capacity for both such academic years or terms.

In this case, the claimant is an employee of an educational institution. Her unemployment insurance benefits are based in part on her wages from his school employment. Based on the unemployment insurance law, the claimant is not eligible for benefits based on educational wages between school terms because she worked for the school during the 2012-13 school year and had a reasonable assurance of working for the school in the same job during the 2013-14 school year.

The unemployment insurance rules provide that if a person has sufficient wages from non-school employers to qualify for unemployment insurance benefits, those wages may be used for benefit payments, if the person is otherwise eligible. 871 IAC 24.52(6). In this case, the claimant has sufficient wages from the Respite Connection to qualify for \$63 per week, but for some reason her claim has been locked.

**DECISION:**

The unemployment insurance decision dated June 21, 2013, reference 01, is affirmed. The claimant is ineligible to receive benefits based on the wages from her school employment over the summer between school years. But she has sufficient wages from the Respite Connection to qualify for \$63 per week in benefits. The matter of unlocking her claim is remanded to the Agency.

---

Steven A. Wise  
Administrative Law Judge

---

Decision Dated and Mailed

saw/pjs