BEFORE THE EMPLOYMENT APPEAL BOARD Lucas State Office Building Fourth floor Des Moines, Iowa 50319

:

LISA B NYX

HEARING NUMBER: 08B-UI-08337

Claimant,

.

and

EMPLOYMENT APPEAL BOARD

DECISION

HIGHLAND COMMUNITY SCHOOL:

DIST

Employer.

NOTICE

THIS DECISION BECOMES FINAL unless (1) a request for a REHEARING is filed with the Employment Appeal Board within 20 days of the date of the Board's decision or, (2) a PETITION TO DISTRICT COURT IS FILED WITHIN 30 days of the date of the Board's decision.

A REHEARING REQUEST shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in DISTRICT COURT within 30 days of the date of the denial.

SECTION: 96.4-5

DECISION

The employer appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. The administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is AFFIRMED. In addition the Board finds that issues not addressed in the hearing should be specifically remanded to claims, if not already resolved. Specifically the Board REMANDS the question of whether the Claimant satisfies the conditions of rule 871-24.52 including whether she is able and available for work, whether she is making an active search for work, whether she is placing no restrictions on her employability, and whether she has wage credits from other than on-call wages with an educational institution in the base period. We make this remand because we recognize that on-call substitute teachers may not collect benefits merely because they do not receive a call in a given week but must meet these other conditions as well.

John A. Peno	
Elizabeth L. Seiser	

RRA/fnv	Monique Kuester