

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**CYNTHIA S MCCALL**

Claimant

**APPEAL 19A-UI-05275-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA STATE UNIVERSITY**

Employer

**OC: 05/12/19**

**Claimant: Appellant (1)**

Iowa Code § 96.4(4) – Monetary Eligibility

Iowa Code § 96.3(5) – Additional Wages

**STATEMENT OF THE CASE:**

The claimant, Cynthia S. McCall, filed an appeal to the June 20, 2019 (reference 04) decision which denied her request to add wages to her monetary record. After proper notice, a telephone hearing was conducted on July 25, 2019. The claimant participated personally. The employer did not respond to the notice of hearing to furnish a phone number with the Appeals Bureau and did not participate in the hearing. The record was held open after the hearing to allow the claimant to submit additional documentation. Nine pages of Exhibits were received and admitted as Claimant Exhibit A. The administrative law judge took official notice of the administrative records including Wage-A and the claim for benefits. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUES:**

Is the claimant's monetary record correct?

Can the request wages be added?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established a claim for unemployment insurance benefits with an effective date of May 12, 2019. She is currently monetarily eligible based upon earnings with other employers. The claimant also performed work for Iowa State University for the 2018-2019 academic year, in the capacity as a teaching assistant.

The claimant is in the graduate studies program as a student and as part of her scholarship to attend school at Iowa State University, she accepted a position as a teaching assistant where she taught sections in the undergraduate program in the Department of Community Regional Planning. She was paid a monthly stipend in the amount of \$1,100.00 for her teaching (Claimant Exhibit A).

At the time of the hearing, the claimant was disqualified from benefits based upon her separation from employment with VenueWorks of Cedar Rapids. See the reference 02 decision/ Appeal 19A-UI-05019-S1-T.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant's request to add wages from Iowa State University is denied.

Iowa Code section 96.4(4)a-b-c provides in pertinent part:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

a. The individual has been paid wages for insured work during the individual's base period in an amount at least one and one-quarter times the wages paid to the individual during that quarter of the individual's base period in which the individual's wages were highest; provided that the individual has been paid wages for insured work totaling at least three and five-tenths percent of the statewide average annual wage for insured work, computed for the preceding calendar year if the individual's benefit year begins on or after the first full week in July and computed for the second preceding calendar year if the individual's benefit year begins before the first full week in July, in that calendar quarter in the individual's base period in which the individual's wages were highest, and the individual has been paid wages for insured work totaling at least one-half of the amount of wages required under this paragraph in the calendar quarter of the base period in which the individual's wages were highest, in a calendar quarter in the individual's base period other than the calendar quarter in which the individual's wages were highest. The calendar quarter wage requirements shall be rounded to the nearest multiple of ten dollars.

b. For an individual who does not have sufficient wages in the base period, as defined in section 96.19, to otherwise qualify for benefits pursuant to this subsection, the individual's base period shall be the last four completed calendar quarters immediately preceding the first day of the individual's benefit year if such period qualifies the individual for benefits under this subsection.

(1) Wages that fall within the alternative base period established under this paragraph "b" are not available for qualifying benefits in any subsequent benefit year.

The claimant in this case was a student worker in the graduate program, and performed services as a teaching assistant. The claimant accepted the position as a teaching assistant and associated monthly stipend as part of a scholarship she received to pursue her graduate studies. The claimant is currently monetarily eligible for benefits, without consideration of the monies she received as a teaching assistant at Iowa State University.

However, the addition of recognizing the monies (by way of stipend) earned as a graduate student would benefit the claimant inasmuch as it would potentially increase her weekly benefit amount, and also would help her move closer to requalification, as she is currently disqualified from benefits based upon her separation with VenueWorks. Based upon a careful review of the evidence presented, the claimant's request to add wages from Iowa State University is denied due to her employment relationship with the school.

An “employer” includes an “employing unit which ... paid wages for service in employment...” Iowa Code §96.19(a). The university would meet the definition of “employing unit” as defined by Iowa Code §96.19. However, there are the exceptions to the term “employment.” In order to be “insured work” it must be “employment” for an “employer.” While Iowa State University is an “employer” as it pays some workers for “employment”, it must also be established that the claimant’s position at graduate student teaching assistant be “employment.”

Iowa Code section 96.19(18)g provides:

g. The term "employment" shall not include:

(6) Service performed in the employ of a school, college, or university if such service is performed by a student who is enrolled and is regularly attending classes at such school, college or university or by the spouse of such student, if such spouse is advised, at the time such spouse commences to perform such service, that the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college, or university, and such employment will not be covered by any program of unemployment insurance.

Here, the Code excludes services performed in the employ of a school, college, or university if such service is performed by a student who is enrolled and is regularly attending classes at such school, college or university from the definition of “employment.” That is precisely the relationship at issue between the claimant and Iowa State University. Since it is not “employment,” work performed by the claimant in her capacity as a graduate student teaching assistant is not “employment for employers,” which means it does not meet the definition of “insured work.” So this means that the money paid by the Iowa State University (by way of stipend) cannot be added to her existing monetary record as wages or be used in the benefit calculation. Even though her teaching assistant duties occurred during the claimant’s base period, it would not be considered “employment” for purposes of adding wages to her monetary record. Based on the evidence presented, the administrative law judge concludes monetary record is correct and wages from Iowa State University cannot be added.

#### **DECISION:**

The June 20, 2019, (reference 04), decision is affirmed. The monetary record is correct. The claimant’s request to add wages is denied. The claimant remains monetarily eligible for benefits.

---

Jennifer L. Beckman  
Administrative Law Judge

---

Decision Dated and Mailed

jlb/scn