

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JEFFREY ZAVALA
Claimant

APPEAL NO. 12A-UI-00322-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

THE UNIVERSITY OF IOWA
Employer

**OC: 12/04/11
Claimant: Appellant (1)**

871 IAC 19-18G(6) Wages while student at educational institution

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated January 4, 2012, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on February 8, 2012. Employer participated by Joshua Anderson, Senior Accountant. Claimant failed to respond to the hearing notice and did not participate. Exhibit A was admitted into evidence.

ISSUE:

The issue in this matter is whether claimant has educational wages that are covered by unemployment insurance system.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant has earned wages from employer during the time period he was a student. Employer is an educational institution.

REASONING AND CONCLUSIONS OF LAW:

Excluded employment—student.

Wages earned by a student who is enrolled at a nonprofit or public educational institution under a program taken for credit at such institution that combines academic instruction with work experience are normally excluded from the definition of employment. Provided, however, that no work performed by such individual in excess of the hours called for in the contract between the school and the employer or performed in a period of time during which the institution is on a regularly scheduled vacation and for which such student receives no academic credit shall be excluded from said definition.

This rule is intended to implement Iowa Code § 96.19(18) "g" (6).

Iowa Code § 96.19-18-g(6) 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.

Service performed by an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on, as a student in a full-time program taken for credit at such institution, which combines academic instruction with work experience, if the service is an integral part of the program and the institution has so certified to the employer, except that this subparagraph does not apply to service performed in a program established for or on behalf of an employer or group of employers.

Service performed in the employ of a hospital if such service is performed by a patient of the hospital.

Claimant has not earned wages from insured work because wages from an educational institution earned while a student are not covered by unemployment insurance. Said wages shall be removed.

DECISION:

The decision of the representative dated January 4, 2012, reference 01, is affirmed. The request to have wages added to the unemployment insurance claim is denied. Wages from July 1, 2010 through June 30, 2011 shall be removed.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/pjs