

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LUCINDA R GREEN
Claimant

APPEAL NO. 14A-UI-05664-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

CATHOLIC HEALTH INITIATIVES - IOWA
Employer

OC: 12/15/13
Claimant: Appellant (1)

Section 96.4-5-b – Benefits During Successive Academic Terms

STATEMENT OF THE CASE:

Lucinda Green (claimant) appealed a representative's May 7, 2014, decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits for weeks between successive academic terms with Catholic Health Initiatives - Iowa (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for June 25, 2014. The claimant participated personally. The employer did not provide a telephone number where it could be reached and therefore, did not participate in the hearing. The claimant offered and Exhibit A was received into evidence.

ISSUE:

The issue is whether the claimant is between successive terms with an educational institution. For the following reasons the administrative law judge concludes she is.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant worked for the employer as an academic dean from 2003 through 2009. Starting in approximately 2010, the claimant began working as an adjunct faculty member teaching mathematics every fall and spring. In addition, she taught in the summer. The employer approached her about teaching approximately a month prior to the start of the academic term. She signed the teaching contract at the commencement of the term.

In early December 2013, the employer asked the claimant to teach the spring semester of 2014. The claimant was presented a contract and signed that agreement on or about January 4, 2014. In April 2014, the employer asked the claimant to teach the summer term of 2014. The claimant was presented a contract and signed that agreement on or about May 14, 2014. The claimant knew and understood the nature of the position when she was hired as an adjunct faculty member. The claimant has a similar part-time position with Des Moines Area Community College.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant is not eligible to receive unemployment insurance benefits.

Iowa Code section 96.4-5-a provides:

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

5. Benefits based on service in employment in a nonprofit organization or government entity, defined in § 96.19, subsection 18, are payable in the same amount, on the same terms and subject to the same conditions as compensation payable on the same basis of other service subject to this chapter, except that:

a. Benefits based on service in an instructional, research, or principal administrative capacity in an educational institution including service in or provided to or on behalf of an educational institution while in the employ of an educational service agency, a government entity, or a nonprofit organization shall not be paid to an individual for any week of unemployment which begins during the period between two successive academic years or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or reasonable assurance that the individual will perform services in any such capacity for any educational institution for both such academic years or both such terms.

The claimant is employed by an educational institution. The claimant worked for the fall 2013 season academic year. She expected to work for the spring 2014 academic year as she had done each and every term. The employer asked her work for them the next term in early December 2013. The two are successive terms. The claimant was between successive terms with an educational institution. The claimant is not eligible to receive unemployment insurance benefits for the weeks between successive terms with the employer.

DECISION:

The representative's May 7, 2014, decision (reference 01) is affirmed. The claimant is not eligible to receive unemployment insurance benefits for the weeks between successive terms with the employer.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css