

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

AUBREE CARROLL
Claimant

THE UNIVERSITY OF IOWA
Employer

APPEAL 20A-UI-09203-CL-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/15/20
Claimant: Appellant (4)

Iowa Code § 96.19(18)g(6) – Employment - Student
Iowa Code § 96.4(3) – Ability to and Availability for Work

STATEMENT OF THE CASE:

On August 2, 2020, the claimant filed an appeal from the July 24, 2020, (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on September 18, 2020. Claimant participated. Employer participated.

ISSUES:

Is the claimant eligible for benefits based upon work/study wages as a student?
Were the wages paid by the school for insured work?
Is the claimant able to and available for work effective March 15, 2020?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer in February 2020 as a part-time cashier for ten hours per week. Claimant was a full-time student and her wages were considered non-covered student wages by employer. The United States declared a public health emergency in March 2020 due to the COVID 19 pandemic. Classes at the University of Iowa were moved online. Claimant returned to her home town and did not work the remainder of the semester. The semester ended on May 15, 2020.

Claimant was not in school and was able to and available for work during the summer of 2020.

Claimant returned to school on August 24, 2020, as a full-time student and has returned to her student employment on a part-time basis.

Claimant has other insured wages in her base period that make her monetarily eligible to receive unemployment insurance benefits. Claimant did not work earning insured wages during the school year.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.19(18)g(6), (7), and (8) 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.

(7) 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.

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

Iowa Code section 96.4(3) provides:

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

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.1A, subsection 38, paragraph "b", subparagraph (1), or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

In this case, the claimant was a student employee for employer. Therefore, the wages she earned with the employer were not insured and her employment status with employer is not relevant for purposes of determining whether she is eligible for unemployment insurance benefits. That issue is moot and will not be discussed further.

Claimant has established she is able to and available for work from May 15, 2020, until she returned to school on August 24, 2020. During the other times in question, claimant was a full-time student, and because she previously did not have insured employment during her time as a full-time student, she has not established she was able to and available for work while school was in session.

DECISION:

The July 24, 2020, (reference 01) unemployment insurance decision is modified in favor of claimant. The claimant was a student while employed and the wages she earned with this employer are not insured. Her employment status with this employer is moot. Claimant is eligible for unemployment insurance benefits from May 15, 2020, until August 24, 2020, based on other qualifying wages as that is the time frame she was able to and available for insured work. This employer will not be charged for benefits.



Christine A. Louis
Administrative Law Judge
Unemployment Insurance Appeals Bureau
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Fax (515)478-3528

September 28, 2020
Decision Dated and Mailed

cal/scn

Note to Claimant: This decision determines you are not eligible for regular unemployment insurance benefits during certain time frames. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.