

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**JAMES K EHRHART
3843 EAGLE HEIGHTS
CLINTON IA 52732**

**CAMANCHE COMMUNITY SCHOOL DIST
c/o SECRETARY
PO BOX 170
CAMANCHE IA 52730-0170**

**Appeal Number: 04A-UI-08114-DWT
OC: 0711/04 R: 04
Claimant: Appellant (1)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal are based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.4-5 – Between Terms Employment for an Educational Institution

STATEMENT OF THE CASE:

James K. Ehrhart (claimant) appealed a representative's July 22, 2004 decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits as of July 11, 2004 because he had reasonable assurance of working for Camanche Community School District (employer) during the 2004-2005 school year just as he had worked for the employer during the 2003-2004 school year. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 19, 2004. The claimant participated in the hearing. Linda Decker appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Should the claimant be eligible to receive benefits when the employer is between academic school years?

FINDINGS OF FACT:

The claimant started working for the employer on September 3, 2003. The employer hired the claimant to work as a full-time bus driver for the 2003-2004 school year. The claimant drove his bus route until the end of the school year. The employer sent the claimant a contract to work as a full-time bus driver for the 2004-2005 school year in early June. The claimant returned the completed contract in mid-June 2004.

During the summer months, the employer considered the claimant an on-call business driver. As of the date of the hearing, the claimant worked about 30 hours for the employer driving a bus during the summer. During the school year, the claimant works between 15 to 20 hours a week driving a bus for the employer.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not eligible to receive unemployment insurance benefits between academic school years if he performs services for an educational institution in the first academic year and has reasonable assurance he will perform services in the second academic year as well. Iowa Code §96.4-5-b. Since the claimant worked as a bus driver for the school district during the 2003-2004 school year and has received a contract to work as a bus driver in the same capacity during the 2004-2005 school year, he is not eligible to receive unemployment insurance benefits as of July 11, 2004.

DECISION:

The representative's July 22, 2004 decision (reference 01) is affirmed. The claimant has reasonable assurance of returning to work for the employer for a second academic school year. Therefore, he is not eligible to receive unemployment insurance benefits as of July 11, 2004.

dlw/kjf