

**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**

**DIANE V LUNSFORD
434 N GREEN ST #5
OTTUMWA IA 52501-2667**

**OTTUMWA COMMUNITY SCHOOL DIST
ATTN HUMAN RESOURCES DEPT
422 MCCARROLL
OTTUMWA IA 52501**

**Appeal Number: 06A-UI-07382-CT
OC: 06/18/06 R: 03
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 is 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)a – School Employment

STATEMENT OF THE CASE:

Diane Lunsford filed an appeal from a representative's decision dated July 12, 2006, reference 01, which denied benefits on a finding that she was unemployed between academic terms. After due notice was issued, a hearing was held by telephone on August 8, 2006. Ms. Lunsford participated personally. The employer participated by Janine Cooney, Administrative Assistant. Exhibit One was admitted on the employer's behalf.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Lunsford began working for the Ottumwa

Community School District as a substitute teacher in October of 2005. She last performed services during the 2005-2006 school year. On June 6, 2006, Ms. Lunsford was sent a letter inviting her to continue as a substitute teacher during the 2006-2007 school year. She returned the letter indicating her intent to continue substituting during the upcoming school term.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Lunsford is eligible to receive job insurance benefits on her claim filed effective June 18, 2006. Instructional employees may not use wage credits earned in school employment on claims filed between academic terms if they performed services during the prior academic term and have reasonable assurance of performing services in the next academic term. Iowa Code section 96.4(5)a. Ms. Lunsford performed services for the school district during the 2005-2006 school year and has written assurance of the same employment during the 2006-2007 school year. As such, wage credits earned in school employment may not be used on her claim filed between school years. Ms. Lunsford does not have sufficient other wage credits to establish a valid claim.

DECISION:

The representative's decision dated July 12, 2006, reference 01, is hereby affirmed. Wage credits earned by Ms. Lunsford in school employment may not be used on her claim filed effective June 18, 2006 because she is an instructional employee unemployed between academic terms.

cfc/pjs