

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TONIA L RODRIQUEZ
Claimant

APPEAL NO. 14A-UI-07071-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**COMMUNITY SCHOOL DISTRICT OF
SOUTH TAMA COUNTY**
Employer

OC: 06/08/14
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

Tonia Rodriguez (claimant) appealed a representative's June 30, 2014, decision (reference 03) that concluded she was not eligible to receive unemployment insurance benefits for weeks between successive academic terms with Community School District of South Tama County (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for August 1, 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.

ISSUE:

The issue is whether the claimant is between successive terms with an educational institution.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired on March 12, 2014, as a part-time aide. She worked through June 5, 2014, the end of the school year. The claimant knew that the position followed the academic school year when she was hired and plans to return for the 2014-2015 school year.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant is between successive terms with an educational institution with this employer.

Iowa Code § 96.4-5-b 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 section 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:

b. Benefits based on service in any other capacity for 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 terms, if the individual performs the services in the first of such academic years or terms and has reasonable assurance that the individual will perform services for the second of such academic years or terms. If benefits are denied to an individual for any week as a result of this paragraph and the individual is not offered an opportunity to perform the services for an educational institution for the second of such academic years or terms, the individual is entitled to retroactive payments of benefits for each week for which the individual filed a timely claim for benefits and for which benefits were denied solely by reason of this paragraph.

This employer is an educational institution. The claimant worked for the 2013-2014 academic year and is expected to work for the 2014-2015 academic year. The two seasons are successive terms. The claimant is between successive terms with an educational institution. The claimant is not eligible to receive unemployment insurance benefits from this employer for the weeks between successive terms with the employer. The claimant is eligible to receive unemployment insurance benefits based on earnings with other noneducational employers.

DECISION:

The representative's June 30, 2014, decision (reference 03) is affirmed. The claimant is not eligible to receive unemployment insurance benefits from this employer for the weeks between successive terms with the employer. The claimant is eligible to receive unemployment insurance benefits based on earnings with other noneducational employers.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs