

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**THERESA THOMAS**  
Claimant

**APPEAL NO. 07A-UI-06471-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DUBUQUE COMMUNITY SCH DIST**  
Employer

**OC: 04/29/07 R: 12**  
**Claimant: Respondent (1)**

Section 96.7-2-a(2) – Charges to the Employer

**STATEMENT OF THE CASE:**

The employer appealed an unemployment insurance decision dated June 21, 2007, reference 03, that concluded it was subject to charge for benefits paid to the claimant. A telephone hearing was held on July 17, 2007. The parties were properly notified about the hearing. The claimant failed to participate in the hearing. Amy Vandermeulen participated in the hearing on behalf of the employer.

**ISSUE:**

Is the employer subject to charge for benefits paid to the claimant?

**FINDINGS OF FACT:**

The claimant applied to be on the substitute teaching list in the 2005-2006 school year and worked some time during the period from February 26 to March 24, 2007. Substitute teachers work temporary assignments, and then are on call for future assignments on an as-needed basis. There is no information as to whether the claimant was offered any additional assignments after March 24, 2006. Employees on the substitute teaching list remain on the list unless they asked to be removed. The employer would have sent a letter to the claimant at the end of the 2005-2006 school year informing her to contact the employer if she did not want to be on the substitute teaching list for the 2006-2007 school year. There is no information about whether the claimant received the letter because it was sent to a Dubuque address and the claimant apparently lives in Chicago Heights, Illinois.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code § 96.7-2-a(2) provides that the amount of benefits paid to an eligible individual shall be charged against the account of the employers in the base period unless the individual is still employed by a base period employer at the time the individual is receiving the benefits and is receiving the same employment from the employer that the individual received during the individual's base period or the individual has been discharged for work-connected misconduct or voluntarily quit employment without good cause attributable to the employer or refused suitable work without good cause.

The evidence does not establish grounds for relieving the employer from charge for benefits based on the wages it paid the claimant. Instead, the evidence supports a determination that the claimant worked a temporary work assignment and completed the assignment. There is no evidence that the claimant is still employed by the employer receiving the same employment as during the base period since there is no evidence of any work available after the claimant worked in 2006. She did not quit, was not discharged, and did not refuse any offered work.

**DECISION:**

The unemployment insurance decision dated June 21, 2007, reference 03, is affirmed. The employer is subject to charge for benefits based on the wages paid to the claimant.

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

saw/css