

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**GERALD L SEAVY**  
Claimant

**APPEAL NO. 08A-UI-06844-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CEDAR RAPIDS COMMUNITY  
SCHOOL DISTRICT**  
Employer

**OC: 06-08-08 R: 03**  
**Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the July 18, 2008, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on August 27, 2008. The claimant did participate. The employer did participate through Marlys Bitterman, Benefits Specialist. Claimant's Exhibit A was received.

**ISSUE:**

Is the claimant employed by an educational institution between successive academic years?

**FINDINGS OF FACT:**

The administrative law judge, having considered all of the evidence in the record, finds that: The claimant was hired on August 26, 2002, as a bus driver. The claimant knew that the position was for the 2007-2008 academic year when he was hired and plans to return in 2008-2009. The employer also plans on his return for the next season.

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the claimant is between successive terms with an educational institution. For the following reasons, the administrative law judge concludes he is.

Iowa Code section 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.

The claimant is employed by an educational institution. The claimant worked for the 2007-08 academic year and is expected to work for the 2008-09 academic year. The two seasons are successive terms. The claimant is between successive terms with an educational institution.

**DECISION:**

The representative's July 18, 2008 decision (reference 01) is affirmed. The claimant is not eligible to receive unemployment insurance benefits for the weeks between successive terms with the employer. Benefits are denied.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

tkh/kjw