

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PHYLLIS A GERMAN
Claimant

APPEAL NO. 14A-UI-06268-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**CEDAR RAPIDS COMMUNITY SCHOOL
DISTRICT**
Employer

OC: 01/05/14
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

Phyllis German (claimant) appealed a representative's June 10, 2014, decision (reference 02) that concluded she was not eligible to receive unemployment insurance benefits for weeks between successive academic terms with Cedar Rapids Community School District (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for July 10, 2014. The claimant participated personally. The employer participated by Jill Bourquin, Human Resources Specialist.

ISSUE:

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

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 September 28, 2004, as a part-time crossing guard. She has worked each academic year since 2004. Her last day of work was June 12, 2014. The claimant knew that the position followed the academic year when she was hired. The claimant and employer plan on her return for the 2014 – 2015 academic year.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant the claimant is not eligible to receive unemployment insurance benefits for the weeks between successive terms with the employer.

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 § 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 2013 - 2014 academic year and is expected to work for the 2014 - 2015 academic year. The two are successive terms. The claimant is between successive terms with an educational institution.

DECISION:

The representative's June 10, 2014, decision (reference 02) is affirmed. The claimant is not eligible to receive unemployment insurance benefits for the weeks between successive terms with the employer.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css