BEFORE THE EMPLOYMENT APPEAL BOARD Lucas State Office Building Fourth floor Des Moines, Iowa 50319

ALICIA MOLLENHAUER	:
Claimant,	HEARING NUMBER: 14B-UI-07169
and	
COLLEGE COMM SCHOOL DIST	: EMPLOYMENT APPEAL BOARD : DECISION
	:

Employer.

ΝΟΤΙCΕ

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT** IS FILED WITHIN **30 days** of the date of the Board's decision.

A REHEARING REQUEST shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.4-5, 96.3-7

DECISION

The Claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. The administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own, except those portions of the decision addressing the question of non-school wages which portions are not adopted. The administrative law judge's decision is **AFFIRMED**.

The Employment Appeal Board remands this matter to the Iowa Workforce Development Center, Claims Section, for a determination of the issue of whether or not "unemployment insurance payments can be made which is based on non-school-related wage credits pursuant to subrule 24.52(6)." 871 IAC 24.52(3). In particular, even though the Claimant is denied benefits for being between academic terms, under rule 24.52(6) she may still collect benefits if she has wage credits in her base period from non-school employment which are sufficient to qualify her for benefits, assuming she is otherwise qualified. Of course, wage credits based on school employment may not be charged either way.

The overpayment stands at this time but may be modified or eliminated by the outcome of this remand.

Kim D. Schmett