

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ANGELA M MINARD
Claimant

CEDAR RAPIDS COMM SCHOOL DIST
Employer

APPEAL 20A-UI-11990-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/08/20
Claimant: Appellant (1)

Iowa Code § 96.4(5) – Eligibility Between Academic Years or Terms

STATEMENT OF THE CASE:

On September 28, 2020, Angela Minard (claimant/appellant) filed a timely appeal from the Iowa Workforce Development decision dated September 16, 2020 (reference 04) that denied benefits as of May 31, 2020, based on a finding claimant was not eligible for benefits between academic years or terms.

A telephone hearing was held on November 9, 2020. The parties were properly notified of the hearing. The claimant participated personally. Cedar Rapids Comm School Dist (employer/respondent) participated by HR Business Partner Brittany Carney.

Official notice was taken of the administrative record.

ISSUE:

Is the claimant eligible for benefits between academic years or terms?

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds:

Claimant began working for employer on October 14, 2019. Claimant is still employed there as a substitute teacher. This employment runs from the beginning of the academic year in the fall and continuing through the end of the academic year in late spring. It is assumed for individuals in claimant's position that their employment will continue in the subsequent academic year or term, so long as they do not quit or are discharged. Claimant did not quit and was not discharged.

The school shutdown was on March 23, 2020 until June 1, 2020, due to the pandemic. There was no work available during that time or during the summer. Claimant worked for several other educational institutions during this same timeframe. All of these positions were substitute teaching positions. Claimant is now substitute teaching full-time for another district, beginning September 14, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the decision dated September 16, 2020 (reference 04) that denied benefits as of May 31, 2020, based on a finding claimant was not eligible for benefits between academic years or terms is AFFIRMED.

Iowa Code section 96.4(5)a provides:

5. Benefits based on service in employment in a nonprofit organization or government entity, defined in section 96.1A, 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:

a. Benefits based on service in an instructional, research, or principal administrative capacity in 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 during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or reasonable assurance that the individual will perform services in any such capacity for any educational institution for both such academic years or both such terms.

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.

c. With respect to services for an educational institution in any capacity under paragraph "a" or "b", benefits shall not be paid to an individual for any week of unemployment which begins during an established and customary vacation period or holiday recess if the individual performs the services in the period immediately before such vacation period or holiday recess, and the individual has reasonable assurance that the individual will perform the services in the period immediately following such vacation period or holiday recess.

d. For purposes of this subsection, "educational service agency" means a governmental agency or government entity which is established and operated exclusively for the purpose of providing educational services to one or more educational institutions.

Iowa Admin. Code r. 871-24.52(6) provides:

Benefits which are denied to an individual that are based on services performed in an educational institution for periods between academic years or terms shall cause the denial of the use of such wage credits. However, if sufficient nonschool wage credits remain on the claim to qualify under Iowa Code section 96.4(4), the remaining wage credits may be used for benefit payments, if the individual is otherwise eligible.

Employer is a nonprofit organization or government entity; claimant performed services in the prior academic year; and she had reasonable assurance she would perform services in the subsequent academic year. Therefore, benefits based on her service with employer cannot be paid to claimant for any week of unemployment which begins during the period between two successive academic years or terms. Claimant does not have other non-educational institution wage credits in the base period.

The administrative law judge wishes to note that while this decision denies regular, state unemployment insurance benefits, the evidence indicates claimant may well be eligible for federal Pandemic Unemployment Assistance (PUA). There is further information on PUA, including how to apply, set forth below.

DECISION:

The decision dated September 16, 2020 (reference 04) that denied benefits as of May 31, 2020, based on a finding claimant was not eligible for benefits between academic years or terms is **AFFIRMED**. Claimant is not eligible for benefits between academic years or terms.



Andrew B. Duffelmeyer
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

November 16, 2020
Decision Dated and Mailed

abd/scn

Note to Claimant:

If you disagree with this decision, you may file an appeal with the Employment Appeal Board by following the instructions on the first page of this decision. If this decision denies benefits, you may be responsible for paying back benefits already received.

Individuals who are disqualified from or are otherwise ineligible for regular unemployment insurance benefits but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.