

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JANICE M GAERTNIER

Claimant

APPEAL NO: 14A-UI-07621-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

DAVENPORT COMMUNITY SCH DIST

Employer

OC: 06/29/14

Claimant: Appellant (1)

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

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's July 23, 2014 determination (reference 01) that held her ineligible to receive benefits as of June 29, 2014, or between successive academic years with an educational institution. The claimant participated at the August 14 hearing. Jabari Woods, the associate human resource director, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant is not eligible to receive benefits as of June 29, 2014, because this is between successive academic school years.

ISSUE:

Is the claimant eligible to receive benefits between academic school years?

FINDINGS OF FACT:

The claimant started working for the employer in September 2005. She works as a para educator. Until the 2012/13 school year, the claimant worked under a 230-day contract and worked 12 months. During the 2012/13 school year, the claimant's contract was changed to 187 days. Under the new contract the claimant knew she was not guaranteed a job during the summer months.

During the summer of 2013, the claimant obtained a job with the employer during the summer months. She established a new benefit year during the week of week of June 29, 2014.

The claimant worked as a para educator during the 2013/14 school year. Her last day of work was late May 2014. The clamant again applied for a summer position, but did not receive the job. The claimant reopened her claim the week of June 22, 2014.

On May 28, 2014, the employer gave the claimant a letter of assurance that she had a job for the 2014/15 school year. The claimant knew as of the date of the hearing she would be working as a para educator again on August 18, 2014, the first day of school.

REASONING AND CONCLUSIONS OF LAW:

A claimant who works for an educational institution is not eligible to receive benefits during the period between two successive academic years or terms when the claimant performs services in the first of such academic years or terms and has reasonable assurance she will perform services for the second of such academic years or terms. Iowa Code § 96.4(5).

The statute's language clearly states a school employee is not eligible to receive benefits between two successive academic years when she has reasonable assurance she will perform services in the second academic school year. While I understand the claimant previously worked all year, her contract changed during the 2012/13 school year. The claimant was fortunate to obtain a summer job during the summer of 2013. Although the claimant applied for a summer position the summer of 2014, she did not get this job.

The claimant received a May 28 letter of assurance and will start working again on August 18, 2014, the first day of school. The law does not allow the claimant to receive benefits as of June 29, 2014, because she is between academic school years.

DECISION:

The representative's July 23, 2014 determination (reference 01) is affirmed. As a school employee, the claimant is not eligible to receive benefits as of June 29, 2014, because this is between academic school years.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs