

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**GORDAN T MOORE**  
Claimant

**APPEAL NO. 10A-UI-11570-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**PCM COMMUNITY SCHOOL DISTRICT**  
Employer

**OC: 06/27/10**  
**Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

Gordan Moore (claimant) appealed a representative's August 13, 2010 decision (reference 02) that concluded he was not eligible to receive unemployment insurance benefits for weeks between successive academic terms with PCM Community School District (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for October 4, 2010. The claimant participated personally. The employer participated by Jeana VanVoorst, Board Secretary.

**ISSUE:**

The issue is whether the claimant is between successive terms with an educational institution.

**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 in August 2009, as a substitute bus driver working on call. The claimant knew that the position was associated with the academic year when he was hired and signed his first contract. The claimant filed for unemployment insurance benefits with an effective date of June 27, 2010, because of his separation from employment from a different employer. On July 30, 2010, the claimant signed a contract with this employer to work as a substitute bus driver for the 2010-2011 academic year.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes the claimant filed for unemployment insurance benefits between academic years.

Iowa Code section 96.4-5-a 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:

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.

The claimant is employed by an educational institution. The claimant worked for the 2009-2010 academic year and expected to work for the 2010-2011 academic year. The two academic years are successive terms. The claimant was between successive terms with an educational institution when he filed for unemployment insurance benefits.

**DECISION:**

The representative's August 13, 2010 decision (reference 02) is affirmed. The claimant is not eligible to receive unemployment insurance benefits for the weeks between successive terms with the employer.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/pjs