

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MELISSA K MOORMAN
Claimant

APPEAL 21A-UI-03301-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

IOWA CATHOLIC CONFERENCE
Employer

OC: 03/22/20
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

On January 18, 2021, Melissa Moorman (claimant/appellant) filed a timely appeal from the Iowa Workforce Development decision dated January 12, 2021 (reference 01) that denied benefits as of March 22, 2020 based on a finding claimant's unemployment occurred between academic years or terms.

A telephone hearing was held on March 22, 2021. The parties were properly notified of the hearing. The claimant participated personally. Iowa Catholic Conference (employer/respondent) participated by Principal Sue Eldridge and was represented by Paul Jahnke.

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 in April 2017. Claimant is still employed there as a part-time teacher associate. This employment contract runs from the beginning of the academic year in the fall and continuing through the end of the academic year in late spring.

There was no work available for claimant as set forth in the contract beginning March 15, 2020 and continuing until May 28, 2020, as the school was closed due to the pandemic. There was no work available to claimant during the period between terms, from May 28 until August 24, 2020. Claimant had reasonable assurance of a return to work at that time. Claimant did return to work at that time.

Claimant filed weekly claims for benefits only in the weeks ending March 28, April 4, and April 11, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the decision dated January 12, 2021 (reference 01) that denied benefits as of March 22, 2020 based on a finding claimant's unemployment occurred between academic years or terms is REVERSED.

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.

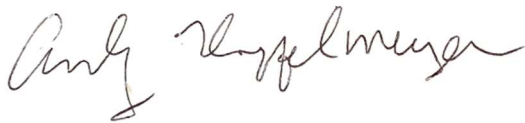
Iowa Admin. Code r. 871-24.52(6) provides:

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.

The weeks that claimant filed weekly claims for benefits did not occur during a period between academic years or terms. There was no work available for claimant as set forth in the contract during those weeks. The period of unemployment was due to the pandemic. Claimant is eligible for benefits during the weeks filed. Employer shall not be charged, as the Department has determined not to charge employers for periods of pandemic-related unemployment.

DECISION:

The decision dated January 12, 2021 (reference 01) that denied benefits as of March 22, 2020 based on a finding claimant's unemployment occurred between academic years or terms is REVERSED. Claimant's unemployment did not occur between academic years or terms. She is eligible during the weeks filed. Employer shall not be charged.



Andrew B. Duffelmeyer
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Fax (515) 478-3528

March 23, 2021
Decision Dated and Mailed

abd/kmj