

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JENNIFER GRAHAM**  
Claimant

**APPEAL NO. 12A-UI-07730-S2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BOONE COMMUNITY SCHOOL DISTRICT**  
Employer

**OC: 05/27/12  
Claimant: Respondent (4)**

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

**STATEMENT OF THE CASE:**

Boone Community School District (employer) appealed a representative's June 21, 2012 decision (reference 02) that concluded Jennifer Graham (claimant) was discharged and there was no evidence of willful or deliberate misconduct. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for July 19, 2012. The claimant participated personally. The employer participated by Paulette Newbold, director of business services.

**ISSUE:**

The issue is whether the claimant is between successive terms with an educational institution. For the following reasons, the administrative law judge concludes she is.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant was hired on November 14, 2011, as a full-time special education associate. The claimant knew that the position would end on May 23, 2012, when the academic year ended. On May 18, 2012, the claimant asked her principal if she would be coming back the following year. The principal told the claimant that he hoped she would but could not confirm she would return for the next academic year. The claimant filed for unemployment insurance benefits with an effective date of May 27, 2012. She filed for unemployment insurance benefits for the four-week period ending June 30, 2012. On June 30, 2012, the employer issued the claimant a letter of assignment for the 2012-2013 academic year. The claimant accepted the offer and plans to return for the next academic year.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant is qualified to receive benefits for the four-week period ending June 30, 2012. She is not qualified to receive unemployment insurance benefits after June 30, 2012.

Iowa Code section 96.4-5-b 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:

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.

The claimant is employed by an educational institution. The claimant worked for the 2011-2012 academic year but was not assured of work in the 2012-2013 academic year until June 30, 2012. While the two academic years are successive terms, the employer did not give the claimant reasonable assurance of employment during the second academic year until June 30, 2012. The claimant is qualified to receive benefits for the four-week period ending June 30, 2012. She is not qualified to receive unemployment insurance benefits after June 30, 2012.

**DECISION:**

The representative's June 21, 2012 decision (reference 02) is modified in favor of the appellant. The claimant is qualified to receive benefits for the four-week period ending June 30, 2012. She is not qualified to receive unemployment insurance benefits after June 30, 2012.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

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