

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

NONA L SNODGRASS
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DAVENPORT IA 52803-2012

Appeal Number: 04A-UI-06632-AT
OC: 05/16/04 R: 04
Claimant: Appellant (2)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.4-3 – Eligibility for Benefits
871 IAC 24.52(7) – Headstart Programs

STATEMENT OF THE CASE:

Nona L. Snodgrass filed a timely appeal from an unemployment insurance decision dated June 8, 2004, reference 02, which denied benefits to her upon a finding that she was the employee of an educational institution with reasonable assurance of continued employment in the upcoming academic year. After due notice was issued, a telephone hearing was held on July 6, 2004 with Ms. Snodgrass participating. Benefits Administrator Pam Damhorst participated for the employer. Exhibit One was admitted into evidence. This matter is considered on a consolidated record with 04A-UI-06631-AT.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having examined all of the evidence in the record, the administrative law judge finds: Nona L. Snodgrass has been employed as a teacher assistant in a head start program operated by Iowa East Central T.R.A.I.N. since August 1999. She does not work in the summer because the head start program does not operate.

Approximately 70 percent of the employer's employees are involved in the head start program. Other employees are involved in other programs that are not related to education. Seventy percent of the employer's funding is related to the head start program while 30 percent is unrelated to it.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Ms. Snodgrass is eligible for unemployment insurance benefits during the summer of 2004. She is.

A provision of the Iowa Administrative Code, 871 IAC 24.52(7) deals with the eligibility of head start employees. It denies benefits to the employees between semesters and academic years if the employing unit operates primarily for educational purposes. The rule goes on to say, "Community action programs which have a head start school as one component are not an educational institution employer and the between terms denial does not apply."

The evidence in this record establishes that 30 percent of the employer's program is unrelated to education. The administrative law judge contrasts this with the functioning of a school district in which all of its program and all of its funding is directly related to educating students. Since it appears from the evidence in this record that Iowa East Central T.R.A.I.N. operates various community action programs in addition to head start, denial of benefits between academic years and semesters is not appropriate.

DECISION:

The unemployment insurance decision dated June 8, 2004, reference 02, is reversed. The claimant is entitled to receive unemployment insurance benefits, provided she is otherwise eligible.

kjf/b