

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STEPHEN D HAYES
Claimant

APPEAL NO: 12A-UI-13809-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

THE UNIVERSITY OF IOWA
Employer

OC: 10/07/12
Claimant: Appellant (2/R)

Iowa Code § 96.19(18)g(6) – Wages from an Educational Institution While a Student

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's November 15, 2012 determination (reference 05) that removed wages he earned from the employer from April 1 through September 7, 2012, because he worked for the employer while he was a student. The claimant participated in the hearing. Mary Eggenburg, a benefits specialist, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge finds the wages the claimant earned from April 1 through July 27, 2012, or \$1,250.00 during the second quarter of 2012 and \$4,250.00 during the third quarter of 2012 cannot be removed and must be considered to determine the claimant's monetary eligibility.

ISSUE:

Can wages the claimant earned from the employer from April 1 through September 7, 2012, be considered to determine his monetary eligibility?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of October 7, 2012. The claimant received a student appointment from November 2, 2011 through August 31, 2012. The employer did not report wages he earned in this position.

The claimant also received short-term nonstudent jobs. The employer reported the wages the claimant earned in his nonstudent positions. In these positions the claimant earned \$1,250.00 from April 1 through June 30, 2012, and \$4,250.00 from July 1 through 27, 2012. These are the only wages the claimant earned from July 1, 2011, through September 30, 2012.

REASONING AND CONCLUSIONS OF LAW:

Employment does not include services performed by a student for an educational institution if the service is provided under a program to provide financial assistance to the student. Iowa code § 96.19(18)g(6). In this case, the claimant had two kinds of employment. One was a student appointed position that he had from November 2, 2011, through August 31, 2012. The

employer did not report wages the claimant earned from services he provided under this program.

The claimant also had nonstudent positions in the second and third quarters of 2012. The employer properly reported these wages: \$1,250.00 during the second quarter of 2012 and \$4,250.00 during the third quarter of 2012. These wages shall not be removed from the claimant's wage history and must be considered to determine his monetary eligibility.

When these wages are included and under the alternate base period, the claimant should be monetarily eligible to receive benefits. Since monetary eligibility was not an issue at the hearing, this issue will be remanded to the Claims Section to determine.

DECISION:

The representative's November 15, 2012 determination (reference 05) is reversed. The wages the claimant earned in nonstudent appointments cannot be removed and must be considered to determine the claimant's monetary eligibility. The issue of whether the claimant is monetary eligible under an alternate base period is **Remanded** to the Claims Section to determine.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs