

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

NANETTE HORTON
Claimant

APPEAL NO: 19A-UI-07491-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

AARP
Employer

OC: 04/28/19
Claimant: Appellant (1)

871 IAC 23.19 – Did the Claimant Work for the Employer as an Employee
Section 96.19-16(a) and 96.19-18 – Insured Wages

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the September 12, 2019, reference 01 decision that denied benefits because the claimant was not an “employee” and did not have any covered wages. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on October 15, 2019. The claimant participated in the hearing. The employer did not respond to the hearing notice and did not participate in the hearing.

ISSUE:

The issues are whether the claimant worked for the employer as an employee and whether the claimant earned insured wages for the purpose of unemployment insurance benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant worked as a senior community service development program worker under a Title V federal grant for SCEP (Senior Community Employment Service Program) which is a senior citizen work training program. She was assigned to AARP from October 11, 2017 to March 20, 2019. The program is funded by the United States Department of Labor.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was not an employee of AARP and did not earn insured wages for the purpose of unemployment insurance benefits.

Chapter 96 of the Iowa Code, the Iowa Employment Security Law, defines what does and does not constitute “employment” for unemployment insurance purposes. Iowa Code section 96.19(18)(6)(e) specifically excludes from the definition of “employment” wages received “[a]s part of an unemployment work relief or work training program assisted or financed in whole or in

part by any federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work relief or work training.”

Because the claimant’s employment was financed by the United States Department of Labor she is not considered an employee and any wages she earned while assigned to AARP are not “covered wages” for the purposes of unemployment insurance benefits.

DECISION:

The September 12, 2019, reference 01, decision is affirmed. The claimant was not an employee of AARP and did not earn insured wages for the purposes of unemployment insurance benefits. Therefore, benefits are denied.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/scn