

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

MELISSA D FRY
APT B
407 – 4TH AVE
CORALVILLE IA 52241

THE UNIVERSITY OF IOWA
C/o DAVE BERGEON EMP REL
121 R UNIV SVC BLDG
IOWA CITY IA 52242

Appeal Number: 04A-UI-11726-BT
OC: 09/19/04 R: 03
Claimant: Respondent (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)

871 IAC 23.21 – Excluded Student Employment

STATEMENT OF THE CASE:

The University of Iowa (employer) appealed an unemployment insurance decision dated October 29, 2004, reference 02, which held that Melissa Fry (claimant) was eligible for unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on November 23, 2004. The claimant did not comply with the hearing notice instructions and did not call in to provide a telephone number at which she could be contacted and, therefore, did not participate. The employer participated through David Bergeon, Employee and Labor Relations.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was granted benefits based on her completion of a temporary contract. However, the claimant worked for the University of Iowa as a graduate research assistant or graduate teaching assistant. The claimant only worked during the school calendar and her final separation date was June 2, 2004.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the reason for the claimant's separation from employment qualifies her to receive unemployment insurance benefits and the administrative law judge concludes it does not. The claimant separated from her employer solely as a consequence of the school year ending. Wages earned by a student enrolled at a public educational institution under a program taken for credit that combines academic instruction with work experience are excluded from the definition of employment. 871 IAC 23.21. The claimant was working under such a program and her separation from that employment does not qualify her for unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated October 29, 2004, reference 02, is reversed. The claimant is not eligible for benefits based upon her separation from a student employment status.

sdb/tjc