

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**SCOTT E JARRARD**  
Claimant

**THE UNIVERSITY OF IOWA**  
Employer

**APPEAL 20A-UI-14162-S1-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 07/12/20**  
**Claimant: Appellant (2)**

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Iowa Code § 96.4(5) – Reasonable Assurance  
Iowa Code § 96.4(3) – Able and Available for Work  
Iowa Code § 96.19(38)a & b – Total and Partial Unemployment

**STATEMENT OF THE CASE:**

Scott Jarrard (claimant) appealed a representative's October 28, 2020, decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits for weeks between successive academic terms with The University of Iowa (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on January 6, 2021. The claimant participated personally. The employer participated by Jessica Wade, Human Resources Business Analyst.

The administrative law judge took official notice of the administrative file. The parties waived notice and agreed to hear the issues of whether the claimant was able and available for work and whether he was totally, temporarily, or partially unemployed for the week ending July 18, 2020.

**ISSUE:**

The issue is whether the claimant is between successive terms with an educational institution, whether the claimant was able and available for work, and whether the claimant was totally, temporarily, or partially unemployed for the week ending July 18, 2020.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The employer is an educational institution. The claimant was hired on July 2, 2007, and, at present, is working as an electrician two. The claimant's position is year round and he is paid an hourly wage. There are no breaks between academic terms or vacation periods for the claimant.

For the week ending July 18, 2020, the employer placed the claimant on temporary layoff. The claimant filed for unemployment insurance benefits with an effective date of July 12, 2020. His weekly benefit amount was determined to be \$512.00. The claimant received benefits of

\$512.00 for the week ending July 18, 2020. He also received \$600.00 in Federal Pandemic Unemployment Compensation for the one-week period ending July 18, 2020.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes the claimant is eligible to receive unemployment insurance benefits.

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.

Iowa Admin. Code r. 871-24.51(6) provides:

School definitions.

(6) Reasonable assurance, as applicable to an employee of an educational institution, means a written, verbal, or implied agreement that the employee will perform services in the same or similar capacity, which is not substantially less in economic terms and conditions, during the ensuing academic year or term. It need not be a formal written contract. To constitute a reasonable assurance of reemployment for the ensuing academic year or term, an individual must be notified of such reemployment.

Iowa Admin. Code r. 871-24.52(9) provides in part:

(9) Vacation period and holiday recess. With respect to any services performed in any capacity while employed by an educational institution, unemployment insurance payments shall not be paid to any individual for any week which commences during an established and customary vacation period or holiday recess if such individual performs service in the period immediately before such vacation period or holiday recess and there is a reasonable assurance that such individual will perform service in the period immediately following such vacation period or holiday recess. However, the provision of subrule 24.52(6) could also apply in this situation.

Iowa Code section 96.19(38) provides:

"Total and partial unemployment".

a. An individual shall be deemed "totally unemployed" in any week with respect to which no wages are payable to the individual and during which the individual performs no services.

b. An individual shall be deemed partially unemployed in any week in which either of the following apply:

(1) While employed at the individual's then regular job, the individual works less than the regular full-time week and in which the individual earns less than the individual's weekly benefit amount plus fifteen dollars.

(2) The individual, having been separated from the individual's regular job, earns at odd jobs less than the individual's weekly benefit amount plus fifteen dollars.

c. An individual shall be deemed temporarily unemployed if for a period, verified by the department, not to exceed four consecutive weeks, the individual is unemployed due to a plant shutdown, vacation, inventory, lack of work or emergency from the individual's regular job or trade in which the individual worked full-time and will again work full-time, if the individual's employment, although temporarily suspended, has not been terminated.

Iowa Code section 96.4(3) provides:

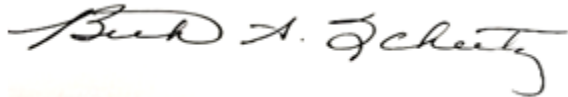
An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph (1), or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

The claimant is employed by an educational institution. In this case, though, the employer placed the claimant on furlough and the claimant was temporarily unemployed for the one-week ending July 18, 2020. While it was during summer months, the furlough did not have a connection to eligibility between academic terms. The claimant was temporarily unemployed for the one-week period ending July 18, 2020. There has been no evidence offered that the claimant was not able and available for work during that week. Benefits are allowed for the one-week ending July 18, 2020, provided the claimant is otherwise eligible.

**DECISION:**

The representative's October 28, 2020, decision (reference 01) is reversed. Benefits are allowed for the one-week ending July 18, 2020, provided the claimant is otherwise eligible.



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Beth A. Scheetz  
Administrative Law Judge

January 25, 2021  
Decision Dated and Mailed

bas/mh