

**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**

**TONYA M FLOWERS
107½ MARIETTA ST
BURLINGTON IA 52601-4229**

**BURLINGTON COMMUNITY SCHOOL
DISTRICT
ATTN FRANK SHEKLETON
1429 WEST AVE
BURLINGTON IA 52601**

**Appeal Number: 06A-UI-07333-CT
OC: 06/11/06 R: 04
Claimant: Appellant (1)**

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(5) – School Employment

STATEMENT OF THE CASE:

Tonya Flowers filed an appeal from a representative's decision dated July 12, 2006, reference 02, which denied benefits on a finding that she was between successive academic terms. After due notice was issued, a hearing was held by telephone on August 8, 2006. Ms. Flowers participated personally. The employer participated by Frank Shekleton, Director of Human Resources.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and having reviewed all of the evidence in the record, the administrative law judge finds: Ms. Flowers has been employed by Burlington

Community School District since September 18, 2001. She works approximately 27 hours each week as a teacher's assistant. She performed services for the school district during the 2005-2006 school year and last worked on June 6, 2006.

In May of 2006, Ms. Flowers was provided a letter of employment for the 2006-2007 school year. Other than an increase in pay, all terms of employment will remain the same during the upcoming school year. Both Ms. Flowers and the school district anticipate her returning to regular duties on August 24, 2006.

REASONING AND CONCLUSIONS OF LAW:

At issue in this matter is whether Ms. Flowers may use wage credits earned with the school district on her claim filed effective June 11, 2006. Wage credits earned in school employment may not be used on a claim if an individual worked during the prior academic term and has reasonable assurance of providing essentially the same services during the next academic term. Iowa Code sections 96.4(5)a, b, c. Ms. Flowers provided services to the district during the 2005-2006 academic year. She has been provided a letter of employment assuring her of continued work in the same capacity during the 2006-2007 academic year. Inasmuch as Ms. Flowers has reasonable assurance of continued employment, wage credits earned with the school district may not be used on her claim for unemployment benefits. She continues to be eligible to receive benefits based on non-school wage credits.

DECISION:

The representative's decision dated July 12, 2006, reference 02, is hereby affirmed. Ms. Flowers is not entitled to use school wage credits because she worked during the prior academic year and has reasonable assurance of employment in the next academic year. Benefits are allowed based on other wage credits, provided she satisfies all other conditions of eligibility. The school district will not be charged for benefits paid to Ms. Flowers on her current claim.

cfc/pjs