

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ANDREW J STOEFEEN
Claimant

APPEAL 20A-UI-06520-B2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

THE UNIVERSITY OF IOWA
Employer

OC: 03/29/20
Claimant: Appellant (1)

Iowa Code § 96.4(4) – Monetary Eligibility
Iowa Code § 96.3(5) – Additional Wages

STATEMENT OF THE CASE:

The claimant filed an appeal of the June 15, 2020 (reference 02) decision which denied his request to add wages to his monetary record. After proper notice, a telephone hearing was conducted on July 23, 2020. The claimant participated personally. The employer did not respond to the notice of hearing to furnish a phone number with the Appeals Bureau and did not participate in the hearing.

ISSUES:

Is the claimant's monetary record correct?

Can the requested wages be added?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established a claim for unemployment insurance benefits with an effective date of March 29, 2020. He is currently monetarily eligible based upon earnings with other employers.

The claimant was employed by the University of Iowa from July, 2017 through March, 2020. The claimant was eligible for benefits, and has been receiving benefits, based on his paid internship with HNI Corp. In calculating claimant's weekly benefit amount, wages earned from The University of Iowa were not included.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's request to add wages from the University of Iowa is denied.

Iowa Code section 96.4(4)a-b-c provides in pertinent part:

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

a. The individual has been paid wages for insured work during the individual's base period in an amount at least one and one-quarter times the wages paid to the individual during that quarter of the individual's base period in which the individual's wages were highest; provided that the individual has been paid wages for insured work totaling at least three and five-tenths percent of the statewide average annual wage for insured work, computed for the preceding calendar year if the individual's benefit year begins on or after the first full week in July and computed for the second preceding calendar year if the individual's benefit year begins before the first full week in July, in that calendar quarter in the individual's base period in which the individual's wages were highest, and the individual has been paid wages for insured work totaling at least one-half of the amount of wages required under this paragraph in the calendar quarter of the base period in which the individual's wages were highest, in a calendar quarter in the individual's base period other than the calendar quarter in which the individual's wages were highest. The calendar quarter wage requirements shall be rounded to the nearest multiple of ten dollars.

b. For an individual who does not have sufficient wages in the base period, as defined in section 96.19, to otherwise qualify for benefits pursuant to this subsection, the individual's base period shall be the last four completed calendar quarters immediately preceding the first day of the individual's benefit year if such period qualifies the individual for benefits under this subsection.

(1) Wages that fall within the alternative base period established under this paragraph "b" are not available for qualifying benefits in any subsequent benefit year.

An "employer" includes an "employing unit which ... paid wages for service in employment..." Iowa Code §96.19(a). The university would meet the definition of "employing unit" as defined by Iowa Code §96.19. However, there are the exceptions to the term "employment." In order to be "insured work" it must be "employment" for an "employer." While Iowa State University is an "employer" as it pays some workers for "employment", it must also be established that the claimant's position at graduate student teaching assistant be "employment."

Iowa Code section 96.19(18)g provides:

g. The term "employment" shall not include:

(6) Service performed in the employ of a school, college, or university if such service is performed by a student who is enrolled and is regularly attending classes at such school, college or university or by the spouse of such student, if such spouse is advised, at the time such spouse commences to perform such service, that the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college, or university, and such employment will not be covered by any program of unemployment insurance.

Here, the Code excludes services performed in the employ of a school, college, or university if such service is performed by a student who is enrolled and is regularly attending classes at such school, college or university from the definition of "employment." That is precisely the relationship at issue between the claimant and The University of Iowa. Since it is not "employment," work performed by the claimant in his capacity as a student is not "employment"

for employers,” which means it does not meet the definition of “insured work.” So this means that the money paid by The University of Iowa cannot be added to his existing monetary record as wages or be used in the benefit calculation. Based on the evidence presented, the administrative law judge concludes monetary record is correct and wages from The University of Iowa cannot be added.

DECISION:

The June 15, 2020 (reference 02), decision is affirmed. The monetary record is correct. The claimant's request to add wages is denied. The claimant remains monetarily eligible for benefits.



Blair A. Bennett
Administrative Law Judge

July 30, 2020
Decision Dated and Mailed

bab/mh