

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DOROTHY M DE VRIES

Claimant

APPEAL NO. 10A-UI-11566-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

PCM COMMUNITY SCHOOL DISTRICT

Employer

OC: 07/04/10

Claimant: Appellant (1)

Section 96.4-5-b – Benefits During Successive Academic Terms

STATEMENT OF THE CASE:

Dorothy DeVries (claimant) appealed a representative's August 13, 2010 decision (reference 01) that concluded she was not eligible to receive unemployment insurance benefits for weeks between successive academic terms with PCM Community School District (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for October 4, 2010. The claimant participated personally. The employer participated by Jane Babcock, Superintendent, and Jeana VanVoorst, Board Secretary.

ISSUE:

The issue is whether the claimant is between successive terms with an educational institution.

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 hired on August 28, 1995, as an academic year cook. From July 1, 2008, through June 30, 2009, the claimant worked year round as a secretary for the employer. The employer laid the claimant off from the year round position. On June 24, 2009, the claimant signed a contract to work the 2009-2010 academic year as a cook for the employer. The claimant knew that the position was tied to the academic year when she was hired. On July 5, 2009, the claimant filed for unemployment insurance benefits based on her layoff from employment. In May 2010, the claimant signed a contract to work again as a cook for the 2010-2011 academic year. On July 4, 2010, the claimant filed again for unemployment insurance benefits.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant was between successive terms with an educational institution.

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.

The claimant is employed by an educational institution. The claimant worked for the 2009-2010 academic year and expected to work for the 2010-2011 academic year. The two academic years are successive terms. The claimant was between successive terms with an educational institution.

DECISION:

The representative's August 13, 2010 decision (reference 01) is affirmed. The claimant is not eligible to receive unemployment insurance benefits for the weeks between successive terms with the employer.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css