

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KRISTIN L HAAN
Claimant

APPEAL NO. 11A-UI-09188-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**CLAY CENTRAL/EVERLY
COMMUNITY SCHOOL DISTRICT**
Employer

OC: 05/29/11
Claimant: Respondent (4)

Section 96.4-5 – Reasonable Assurance
Section 96.4-6 – Department-Approved Training

STATEMENT OF THE CASE:

The employer filed a timely appeal from an unemployment insurance decision dated July 5, 2011, reference 03, that allowed benefits to the claimant but which did not relieve the employer of charges for benefits. After due notice was issued, a telephone hearing was held August 8, 2011, with the claimant participating. Superintendent Robert Raymer participated for the employer. This matter is considered on a consolidated record with 11A-UI-09189-AT. The administrative law judge takes official notice of Agency decision records.

ISSUES:

Is the claimant eligible to receive unemployment insurance benefits?

Can the employer be relieved of charges?

FINDINGS OF FACT:

Kristin L. Haan was a teacher for the Clay Central/Everly Community School District during the 2010-2011 school year. Her contract was terminated at the end of the school year because of budgetary concerns. The claimant is in training with the approval of the department from May 29, 2011, through May 26, 2012.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.4-5-a 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:

a. Benefits based on service in an instructional, research, or principal administrative capacity in 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 during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or reasonable assurance that the individual will perform services in any such capacity for any educational institution for both such academic years or both such terms.

The evidence establishes that the claimant does not have reasonable assurance of continued employment by any academic institution for the 2011-2012 school year. Since she is in training with the approval of the department, no benefits shall be charged to the account of this employer.

DECISION:

The unemployment insurance decision dated July 5, 2011, reference 03, is modified. The claimant is entitled to receive unemployment insurance benefits, provided she is otherwise eligible. No benefits shall be charged to the account of this employer.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw