

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PENNY N HENSLEY
Claimant

APPEAL NO. 10A-UI-11104-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**NORWALK COMMUNITY SCHOOL
DISTRICT**
Employer

OC: 06/06/10
Claimant: Appellant (1)

Section 96.4-5-B – Reasonable Assurance of Employment Between Academic Years

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated July 29, 2010, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on September 20, 2010. Claimant participated. Although the employer did respond to the hearing notice and provided the name and telephone number of a representative, that individual was not available when called for the hearing. The record consists of the testimony of Penny Hensley.

ISSUE:

Whether the claimant had reasonable assurance of employment between academic years.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witness and having considered all of the evidence in the record, makes the following findings of fact:

The employer is an educational institution located in the state of Iowa. The claimant was hired in January 2009 as a substitute teacher and worked as a substitute teacher through the end of the academic year, which was June 2009. The claimant was offered the opportunity to work as a substitute teacher for the academic years starting in September 2009 and she accepted that offer and worked through the academic year, which ended in June 2010. The claimant was offered the opportunity to work as a substitute for academic year of 2010, which began on August 25, 2010. The claimant is presently working as a substitute teacher. She has a long-term assignment, filling in for a teacher who is on extended leave.

REASONING AND CONCLUSIONS OF LAW:

Public Law 94-566 provides:

(c) An individual who performs services for an educational institution or agency in a capacity (other than an instructional, research, or principal administrative capacity) shall

not be eligible to receive a payment of assistance or a waiting period credit with respect to any week commencing during a period between two successive academic years or terms if:

- (1) Such individual performed such services for any educational institution or agency in the first of such academic years or terms; and
- (2) There is a reasonable assurance that such individual will perform services for any educational institution or agency in any capacity (other than an instructional, research, or principal administrative capacity) in the second of such academic years or terms.

The claimant established an original claim for benefits on June 6, 2010. She was seeking unemployment insurance benefits for the period between academic years. The evidence showed that the claimant had reasonable assurance of employment for the academic year beginning on August 25, 2010. She is therefore not entitled to unemployment insurance benefits.

DECISION:

The decision of the representative dated July 29, 2010, reference 02, is affirmed. The claimant is not eligible to receive unemployment insurance benefits for weeks between terms of the Norwalk Community School District. Benefits are denied as of June 6, 2010.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/css