

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ELINA R OZOLINS

Claimant

APPEAL NO. 11A-UI-08780-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**CLAY CENTRAL/EVERLY COMMUNITY
SCHOOL DISTRICT**

Employer

OC: 05/29/11

Claimant: Appellant (4)

Section 96.4-5-b – Reasonable Assurance

STATEMENT OF THE CASE:

The claimant filed a timely appeal from an unemployment insurance decision dated July 5, 2011, reference 03, that denied benefits to her as of June 5, 2011. After due notice was issued, a telephone hearing was held August 8, 2011 on a consolidated record with 11A-UI-09187-AT.

ISSUE:

Does the claimant have reasonable assurance of continued employment by an academic institution?

FINDINGS OF FACT:

The findings of fact in decision 11A-UI-09187-AT are incorporated herein by reference.

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 did not receive reasonable assurance until the week of June 12, 2011. Benefits are allowed through June 11, 2011.

DECISION:

The unemployment insurance decision dated July 5, 2011, reference 03, is modified. The claimant is entitled to receive unemployment insurance benefits from May 29, 2011 through June 11, 2011.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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