

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DAYNA W BONIN
Claimant

IOWA FALLS COMMUNITY SCHOOL DIST
Employer

APPEAL 18A-UI-07899-CL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07/01/18
Claimant: Appellant (1)

Iowa Code § 96.4(5) – Reasonable Assurance

STATEMENT OF THE CASE:

The claimant filed an appeal from the July 20, 2018, (reference 01), unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on August 13, 2018. Claimant participated. Employer participated through Superintendent Dr. John Robbins. Employer's Exhibit 1 was received.

ISSUE:

Is the claimant eligible for unemployment insurance benefits between academic years or terms?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a substitute bus driver and food service worker for the Iowa Falls Community School District during the 2017 – 2018, school year. Claimant was hired to work on-call or as needed when work was available. On June 18, 2018, claimant signed a contract accepting an offer to work as a substitute school bus driver during the 2018-2019 school year. Claimant is not monetarily eligible for benefits based upon non-educational wage credits in her base period.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant does have reasonable assurance of returning to work the following academic term or year. The claimant is not eligible for benefits based upon one quarter of non-educational institution wage credits in her base period.

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.

Iowa Admin. Code r. 871-24.51(6) provides:

School definitions.

(6) Reasonable assurance, as applicable to an employee of an educational institution, means a written, verbal, or implied agreement that the employee will perform services in the same or similar capacity, which is not substantially less in economic terms and conditions, during the ensuing academic year or term. It need not be a formal written contract. To constitute a reasonable assurance of reemployment for the ensuing academic year or term, an individual must be notified of such reemployment.

Iowa Admin. Code r. 871-24.52(6) provides:

Benefits which are denied to an individual that are based on services performed in an educational institution for periods between academic years or terms shall cause the denial of the use of such wage credits. However, if sufficient nonschool wage credits remain on the claim to qualify under Iowa Code § 96.4(4), the remaining wage credits may be used for benefit payments, if the individual is otherwise eligible.

Here, claimant has reasonable assurance of continued employment as a substitute school bus driver. Therefore, she is not eligible for benefits between academic terms or years. Furthermore, claimant is not monetarily eligible for benefits based on remaining wage credits for non-educational employers alone. Therefore, benefits must be denied.

DECISION:

The July 20, 2018, (reference 01), unemployment insurance decision is affirmed. The claimant does have reasonable assurance of returning to work the following academic year or term. Benefits are denied.

Christine A. Louis
Administrative Law Judge
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Decision Dated and Mailed

cal/scn