

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JULIA M WALTON

Claimant

APPEAL NO. 07A-UI-06686-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**DES MOINES INDEPENDENT
COMMUNITY SCHOOL DISTRICT**

Employer

**OC: 06/10/07 R: 02
Claimant: Appellant (1)**

Section 9.4(5)b – Reasonable Assurance

STATEMENT OF THE CASE:

Julia M. Walton (claimant) appealed a representative's July 2, 2007 decision (reference 01) that concluded she is not eligible to receive unemployment insurance as of June 10, 2007, because she works for the Des Moines Independent Community School District (employer) and her unemployment has occurred between academic years. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on July 24, 2007. The claimant participated on her own behalf and with witnesses Stephany Halls and Pat Woods. Cathy McKay, the employer's risk manager, appeared on the employer's behalf. During the hearing, Claimant Exhibits A, B, and C were offered and admitted as evidence. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Does the claimant have reasonable assurance of continuing employment in a subsequent academic year and is she eligible to receive benefits during the summer months of 2007?

FINDINGS OF FACT:

The claimant started working for the employer on January 3, 1996. The claimant works as a bus associate during the employer's academic year. This academic year starts in August and ends at the end of the school year. The last day of the academic school year was June 5, 2007. Both the claimant and the employer plan for the claimant to work as a bus associate for the employer during the 2007-2008 academic school year.

During the summer months the claimant has volunteered to drive the school bus for the employer, but she is not required to work during the summer months. Last summer the claimant worked 30 hours a week for six weeks. This summer the employer offered six 30-hour weeks but the weeks were not consecutive weeks and employees were often scheduled two days per week instead of the five days per week they had worked last summer. The number of hours the claimant worked this summer depends on the employer's needs. (Claimant Exhibits A and B.)

REASONING AND CONCLUSIONS OF LAW:

A claimant who works for an educational institution is not eligible to receive benefits during the period between two successive academic years or terms when the claimant performs services in the first of such academic years or terms and has reasonable assurance that she will perform services for the second of such academic years or terms. Iowa Code section 96.4-5-b.

The facts establish the claimant has reasonable assurance of continued employment with the employer, an educational institution, during the next academic school year. Based on the law, the claimant is not eligible to receive benefits during the summer months. The claimant asserted that because she is not working in the same way or pattern that she worked last year, she should be eligible to receive benefits. Since working is not mandated by the employer, if the claimant had not volunteered to work during the summer, she would not be eligible to receive unemployment insurance benefits. The claimant's decision to supplement her summer income by working for the employer does not change the fact she has accepted some employment during the summer months. Even though the claimant may not working five days a week, as she did last summer, the employer again agreed that she would be working 30 hours a week for six weeks. For unemployment insurance benefits, the fact the claimant works at all during the summer for the employer is not the deciding factor in this case. Since the employer is between academic school years and the claimant has reasonable assurance of returning to work as a bus associate for this upcoming academic year, the claimant is not eligible to receive benefits based on Iowa Code section 96.4-5-b.

DECISION:

The representative's July 2, 2007 decision (reference 01) is affirmed. The claimant is not eligible to received benefits as of June 10, 2007, because she has reasonable assurance of employment with the employer in the next academic school year.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs