

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

WENDY L TURNER
Claimant

APPEAL NO. 08A-UI-07713-LT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**ANKENY COMMUNITY
SCHOOL DISTRICT**
Employer

OC: 07/06/08 R: 02
Claimant: Respondent (4)

Iowa Code § 96.5(1) – Voluntary Leaving
Iowa Code § 96.4(5) – Reasonable Assurance

STATEMENT OF THE CASE:

The employer filed a timely appeal from the August 22, 2008, reference 03, decision that allowed benefits. After due notice was issued, a telephone conference hearing was held on September 9, 2008. Claimant participated. Employer participated through Brian Whalan, Jeannie Rough and Jennifer Owenson.

ISSUE:

The issue is whether claimant had reasonable assurance of continued employment in the next school term, if she quit the employment without good cause attributable to the employer, or if she requalified for benefits.

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: Claimant was last employed as a substitute teacher with the Ankeny Community School District during the spring of 2007. She did not place herself on the substitute list for the 2007-2008 school year because she was employed elsewhere the following term. She worked at West Des Moines Community School District in the 2007 – 2008 school year and is currently working for the same school district for the 2008 – 2009 school year. She was not under contract as an associate with the West Des Moines Community School District but knew she would be hired back in the fall. She has requalified for benefits since the separation from this employer.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the issue of reasonable assurance as to this employer is moot as she quit the employment by failing to request placement on the substitute teaching list after the Spring 2007 term.

Iowa Code § 96.5-1-g provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department. But the individual shall not be disqualified if the department finds that:

g. The individual left work voluntarily without good cause attributable to the employer under circumstances which did or would disqualify the individual for benefits, except as provided in paragraph "a" of this subsection but, subsequent to the leaving, the individual worked in and was paid wages for insured work equal to ten times the individual's weekly benefit amount, provided the individual is otherwise eligible.

However, the administrative law judge further concludes from information contained in the administrative record that the claimant has requalified for benefits since the separation from this employer. Accordingly, benefits are allowed and the account of the employer (account number 103232) shall not be liable for charges on this claim (there have been no charges recorded in the administrative record as of the date of this decision).

DECISION:

The August 22, 2008, reference 03, decision is modified in favor of the appellant. The claimant quit without good cause attributable to the employer, but has requalified for benefits since the separation. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer shall not be charged.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/pjs