

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**SYDNIE W SCHILLING**

Claimant

**APPEAL 21A-UI-05629-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DUBUQUE HOLY FAMILY CATHOLIC**

Employer

**OC: 03/29/20**

**Claimant: Appellant (1R)**

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Iowa Code § 96.4(5) – Reasonable Assurance

**STATEMENT OF THE CASE:**

The claimant/appellant, Sydnie W. Schilling, filed an appeal from the February 15, 2021 (reference 03) Iowa Workforce Development (“IWD”) unemployment insurance decision that denied benefits for the period of March 29, 2020 through April 4, 2020. The parties were properly notified about the hearing. A telephone hearing was held on April 27, 2021. The hearing was held jointly with Appeal 21-A-UI-05628-JC-T. The claimant participated. The employer was represented by Paul Jahnke, hearing representative. Mary Sulentic testified for the employer.

The administrative law judge took official notice of the administrative records, including wage history. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Did the claimant have reasonable assurance of continued employment in the next school year?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant established her claim for unemployment insurance benefits with an effective date of March 29, 2020. Claimant works part-time for this employer as an early childcare associate. Her contract of hire is through the school calendar year. Claimant last performed work in March 2020. Due to Governor Reynolds’ proclamation regarding the COVID-19 pandemic, schools were closed the remainder of spring term. If the school year had been completed, claimant’s last day of school/work would have been June 3, 2020. Claimant does not customarily work in the summers for this employer.

On May 20, 2020 the employer issued a letter from its president to claimant stating it planned to offer her employment for the coming school year. The employer notified claimant that it expected to recall her for the coming 2020-21 school year in a similar capacity as she had been employed for the prior year. She returned to work around August 24, 2020, and immediately resumed working her part-time schedule.

Claimant has other wages in her base period.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant had reasonable assurance to return to school for the 2020-2021 school year.

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.

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 section 96.4(4), the remaining wage credits may be used for benefit payments, if the individual is otherwise eligible.

Claimant had reasonable assurance of continued employment for the 2020-21 school year on or about May 20, 2020, prior to the end of the school year. As a result, claimant is not considered unemployed and is not eligible for benefits effective June 4, 2020, once her work ended for the school year and she was between academic years.

While claimant does have reasonable assurance of continued employment for the 2020-2021 school year, (which makes her ineligible for benefits) she may be otherwise monetarily eligible according to base period wages. The monetary eligibility issue based upon wages from other employers as delineated in the findings of fact is remanded to the claims section of Iowa Workforce Development for an initial investigation and determination.

**DECISION:**

The February 15, 2021 (reference 03) unemployment insurance decision is affirmed. Claimant had reasonable assurance of returning to work the following academic year or term; benefits are denied effective June, 2020.

**REMAND:** The monetary eligibility issue based upon wages from other employers as delineated in the findings of fact is remanded to the claims section of Iowa Workforce Development for an initial investigation and determination.



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Jennifer L. Beckman  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
Iowa Workforce Development  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax 515-478-3528

April 30, 2021  
Decision Dated and Mailed

jlb/ol

**NOTE TO CLAIMANT:**

This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.

If you do not qualify for regular unemployment insurance benefits due to disqualifying separations and are currently unemployed for reasons related to COVID-19, you may qualify for Pandemic Unemployment Assistance (PUA). You will need to apply for PUA to determine your eligibility under the program. More information about how to apply for PUA is available online at: [www.iowaworkforcedevelopment.gov/pua-information](http://www.iowaworkforcedevelopment.gov/pua-information)

If you have applied and have been approved for PUA benefits, this decision will not negatively affect your entitlement to PUA benefits.

You may find additional information about food, housing, and other resources at <https://covidrecoveryiowa.org/> or at <https://dhs.iowa.gov/node/3250>