

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CASEY W CHRISTENSEN**  
Claimant

**APPEAL NO. 19R-UI-06920-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**BALLARD COMMUNITY SCHOOL DISTRICT**  
Employer

**OC: 06/24/18**  
**Claimant: Appellant (2)**

Iowa Code § 96.4-5 – Reasonable Assurance  
Iowa Code § 96.4-3 – Able and Available  
871 IA Admin. Code 24.22(2)I – Substitute Teachers  
871 IA Admin. Code 24.52(10) – Substitute Teachers

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated July 5, 2019, reference 03, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on September 25, 2019. Claimant participated personally. Employer participated by Betty Wawers.

**ISSUES:**

Whether employer gave claimant reasonable assurance of continued employment for the upcoming academic year.

Whether claimant is able and available for work.

Whether claimant is a substitute teacher.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant was employed as a substitute teacher for the Ballard Community School District during the 2018 – 2019 school year. Claimant did occasionally work throughout that school year. Claimant was not informed that he would be receiving additional hours during the next school year. Employer does not offer hours to the substitute teachers, rather substitutes may go online to see if there are openings for a particular day and may register to fill that opening for a particular day. There is no contract and very little verbal discussion between the parties. Employer did not send out any documentation to claimant stating that they would have a role as a substitute teacher in the 2019 - 2020 academic year.

Claimant did have additional wages over and above those received from employer in the past year.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.4(5)b 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:

b. Benefits based on service in any other capacity for 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 terms, if the individual performs the services in the first of such academic years or terms and has reasonable assurance that the individual will perform services for the second of such academic years or terms. If benefits are denied to an individual for any week as a result of this paragraph and the individual is not offered an opportunity to perform the services for an educational institution for the second of such academic years or terms, the individual is entitled to retroactive payments of benefits for each week for which the individual filed a timely claim for benefits and for which benefits were denied solely by reason of this paragraph.

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.

The claimant did not have reasonable assurance of continued employment as a substitute teacher for the 2019 - 2020 school year. As a result, the claimant is considered unemployed during the period of time when school is not in session.

**DECISION:**

The decision of the representative dated July 5, 2019, reference 03 is reversed. Claimant is eligible to receive unemployment insurance benefits, provided claimant meets all other eligibility requirements.

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Blair A. Bennett  
Administrative Law Judge

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Decision Dated and Mailed

bab/scn