

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CYNTHIA L MARTINEK**  
Claimant

**APPEAL NO. 07A-UI-08350-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**WALDORF LUTHERAN COLLEGE ASSN**  
Employer

**OC: 07/22/07 R: 02  
Claimant: Respondent (1)**

Section 96.4-5 – Reasonable Assurance of Employment Between Academic Years

**STATEMENT OF THE CASE:**

Waldorf Lutheran College (employer) appealed a representative's August 24, 2007 decision (reference 01) that concluded Cynthia L. Martinek (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant did not have reasonable assurance of working for the employer in the 2007-2008 school year. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 17, 2007. The claimant participated in the hearing. Mary Anderson, the director of human resources, appeared on the employer's behalf. 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, 2007-2008 school year, and is she eligible to receive benefits as of July 22, 2007?

**FINDINGS OF FACT:**

The claimant has worked as an adjunct professor for the employer since 2003. During the 2006-2007 school year, the claimant taught a two-credit course in the fall of 2006. She supervised students during the spring of 2007. The claimant completed her job assignments with the employer.

The employer did not offer the claimant work during the 2007-2008 school year. The claimant established a claim for unemployment insurance benefits during the week of July 22, 2007.

**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 § 96.4-5-b.

The facts establish the claimant does not have reasonable assurance of continued employment with the employer, an educational institution, during the next academic school year or for the 2007-2008 school year. Therefore, the claimant is eligible to receive benefits as of July 22, 2007.

**DECISION:**

The representative's August 24, 2007 decision (reference 01) is affirmed. The claimant does not have reasonable assurance of returning to work for the employer during the 2007-2008 school year. Therefore, as of July 22, 2007, the claimant is qualified to receive unemployment insurance benefits, provided she meets all other eligibility requirements. The employer's account may be charged for benefits paid to the claimant.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/kjw