

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARILYN F SMITH
Claimant

APPEAL NO. 11A-UI-09955-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

WAUKEE COMMUNITY SCHOOL DISTRICT
Employer

**OC: 01/02/11
Claimant: Appellant (1)**

Section 96.4-5-b – Reasonable Assurance of Continued Employment

STATEMENT OF THE CASE:

Marilyn F. Smith filed a timely appeal from an unemployment insurance decision dated July 19, 2011, reference 04, that denied unemployment insurance benefits to her effective June 5, 2011 upon a finding that she had reasonable assurance of continued employment with Waukee Community School District in the upcoming academic year. After due notice was issued, a telephone hearing was held August 22, 2011 with Assistant Superintendent for Human Resources Duane Magee participating for the employer. Ms. Smith's phone number was answered by a recording at the time of the hearing. The claimant did not respond to the administrative law judge's message to call the Appeals Bureau prior to the close of the hearing.

ISSUE:

Does the claimant have reasonable assurance of continued employment by an educational institution in the 2011-2012 school year?

FINDINGS OF FACT:

Marilyn F. Smith has been a substitute school teacher for Waukee Community School District since January 21, 2009. She remains on the substitute roster for the 2011-2012 school year.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.4-5-b denies unemployment insurance benefits to employees of educational institutions between academic years and semesters if the employees have reasonable assurance of continued employment in the upcoming school year or semester. The evidence in this record establishes that Ms. Smith has reasonable assurance of continued employment as a substitute teacher by Waukee Community School District during the 2011-2012 school year. Therefore, she cannot use wages from this school district for computing unemployment insurance benefits between academic years.

DECISION:

The unemployment insurance decision dated July 19, 2011, reference 04, is affirmed.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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