

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BONNIE J NORRIS
Claimant

APPEAL NO. 09A-UI-11902-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

RED OAK COMMUNITY SCHOOL DISTRICT
Employer

OC: 05/24/09
Claimant: Appellant (1)

Section 96.4(5) – Reasonable Assurance

STATEMENT OF THE CASE:

The claimant, Bonnie Norris, filed an appeal from a decision dated August 13, 2009, reference 04. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on September 2, 2009. The claimant participated on her own behalf. The employer, Red Oak Community School District, participated by Business Manager Shirley Maxwell.

ISSUE:

The issue is whether the claimant has reasonable assurance of continued employment in the next academic year.

FINDINGS OF FACT:

Bonnie Norris began working for Red Oak Community School District in August 2008, as a substitute para-professional. She had a long-term substitution beginning in September 2008 through the end of the school year on May 27, 2009. On June 1, 2009, Business Manager Shirley Maxwell sent out letters to all the substitutes asking them to mark one of two boxes saying either they did want to remain as a substitute or they did not. Ms. Norris returned her letter on June 4, 2009, stating she wished to remain as a substitute.

Ms. Norris filed a claim for unemployment benefits with an effective date of May 24, 2009.

REASONING AND CONCLUSIONS OF LAW:

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.

The claimant is not eligible for unemployment benefits because she had reasonable assurance of continued employment for the subsequent academic year. Under the provisions of the above Administrative Code section, she was not entitled to benefits.

DECISION:

The representative's decision of August 13, 2009, reference 04, is affirmed. Bonnie Norris is ineligible for unemployment benefits as she had reasonable assurance of continued employment.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs