

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RANDY J CERETTI

Claimant

APPEAL NO. 11A-UI-10780-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**DES MOINES IND COMMUNITY SCHOOL
DISTRICT**

Employer

OC: 06-05-11

Claimant: Appellant (1)

Iowa Code § 96.4(5) – Reasonable Assurance

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the August 11, 2011, reference 01, decision that denied benefits. After due notice was issued, a hearing was held on September 29, 2011. The claimant did participate. The employer did participate through Cathy McKay, Risk Manager.

ISSUE:

The issue is whether claimant has reasonable assurance of continued employment during the next school year or term.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a bus driver part time beginning August 30, 2010 and still employed as a part-time bus driver by the school district. At the end of the 2010-2011 school year the claimant was given reasonable assure in the form of a letter that he would have continued work as a part-time bus driver for the 2011-2012 school year. He is not monetarily eligible on his claim with an effective date of June 5, 2011.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant does have reasonable assurance of returning to work the following academic year but is eligible for benefits based on his other nonschool wages and is entitled to backdated benefits.

871 IAC 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.

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

The claimant is not monetarily eligible for benefits with any other employer on his claim with an effective date of June 5, 2011. The claimant had reasonable assurance of continued employment in the 2011-2012 academic year and is thus not eligible for unemployment insurance benefits. Benefits are denied.

DECISION:

The August 11, 2011 (reference 01) decision is affirmed. The claimant does have reasonable assurance of returning to work the following academic year. Benefits are denied.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/pjs