

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CINDY K LAMPHIER**  
Claimant

**APPEAL NO. 08A-UI-06624-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CEDAR RAPIDS COMM SCHOOL DIST**  
Employer

**OC: 06/08/08 R: 03  
Claimant: Appellant (1)**

Section 96.4(5) – Reasonable Assurance

**STATEMENT OF THE CASE:**

Cindy Lamphier filed an appeal from a representative's decision dated July 15, 2008, reference 01, which held her ineligible to receive unemployment insurance benefits for the weeks between successive years or terms because employees of an educational institution are not eligible for benefits between years or terms if they have reasonable assurance of employment for the next year or term. After due notice was issued a hearing was held by telephone on August 5, 2008. Ms. Lamphier participated personally. The employer participated by Marlys Spiterman, Benefits Specialist.

**ISSUE:**

The issue in this matter is whether Ms. Lamphier has reasonable assurance of employment for the next year or academic term as an educational institution employee.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: The claimant was employed as a school bus attendant for the Cedar Rapids Community School District, 2007-2008 school year. Ms. Lamphier was offered reasonable assurance by the school district that she would be employed in the same or similar capacity during the fall term or academic year. The claimant was offered this assurance in the form of a written letter which the claimant received and responded to indicating she would accept the offer of continued employment.

**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 as a employee of an educational institution.

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.

The evidence in the record establishes that Ms. Lamphier does have reasonable assurance of continuing employment in the 2008-2009 school year. As a result the claimant is not considered unemployed and, therefore, is ineligible to receive unemployment insurance benefits between academic school terms or years.

**DECISION:**

The July 15, 2008, reference 01, decision is affirmed. The claimant does have reasonable assurance of returning to work the following academic year. Benefits are denied.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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