

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JENNIFER A TOVREA
Claimant

APPEAL NO. 10A-UI-12877-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**NORWALK COMMUNITY SCHOOL
DISTRICT**
Employer

OC: 08/15/10
Claimant: Appellant (1)

Section 96.4(5) – Reasonable Assurance

STATEMENT OF THE CASE:

The claimant, Jennifer Tovrea, filed an appeal from a decision dated September 7, 2010, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued, a hearing was held by telephone conference call on November 3, 2010. The claimant participated on her own behalf. The employer, Norwalk Community School District (Norwalk), participated by Business Manager Kate Baldwin.

ISSUE:

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

FINDINGS OF FACT:

Jennifer Tovrea was employed by Norwalk from September 2009 as a substitute school teacher and remains in that capacity as of the current date. At the end of the school year in the spring of 2010, Ms. Tovrea had assurance of continued employment for the academic year beginning in the fall of 2010.

REASONING AND CONCLUSIONS OF LAW:

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.

At the end of the 2009-2010 school year the claimant had reasonable assurance of continuing employment in the same capacity for the 2010-2011 academic year. Under the provisions of the above Code section, she is ineligible for benefits during the period between academic years.

DECISION:

The representative's decision of September 7, 2010, reference 01, is affirmed. Jennifer Tovrea is ineligible for benefits for the period between academic years.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs