

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KIM W JONES**  
Claimant

**APPEAL NO. 12A-UI-07573-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CARLISLE COMMUNITY  
SCHOOL DISTRICT**  
Employer

**OC: 04/222/12**  
**Claimant: Respondent (4-R)**

Section 96.4(3) – Able and Available  
Section 96.4(5)b – Reasonable Assurance

**STATEMENT OF THE CASE:**

The employer, Carlisle Community School District, filed an appeal from a decision dated June 14, 2012, reference 06. The decision allowed benefits to the claimant, Kim Jones. After due notice was issued, a hearing was held by telephone conference call on July 20, 2012. The claimant participated on his own behalf. The employer participated by Superintendent Tom Lang and Administrative Assistant Dan Crum.

**ISSUE:**

The issue is whether the claimant is able and available for work and has reasonable assurance of continued employment.

**FINDINGS OF FACT:**

Kim Jones began employment with Carlisle Community School District on September 8, 2011, as a substitute teacher. He filed a claim for unemployment benefits with an effective date of April 22, 2012. The employer did not contact him until July 18, 2012, to inquire whether he wanted to be on the substitute list for the 2012-2013 school year.

Mr. Jones indicated at the hearing he did not intend to sign up as a substitute teacher, because he wanted full-time employment. He had made this decision prior to the end of the previous school year but did not notify anyone in the school district.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.4-3 provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.19, subsection 38, paragraph "b", unnumbered paragraph 1, or temporarily unemployed as defined in section 96.19, subsection 38, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3 are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

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.

Until he received the notification to sign up for the next academic year on July 18, 2012, Mr. Jones did not have reasonable assurance of continuing employment with the Carlisle district. He is therefore eligible for benefits from April 22 through July 14, 2012.

The issue of whether or not he refused an offer of suitable work has not been adjudicated and should be remanded.

The issue of if, or when, he is considered a voluntary quit should also be remanded.

#### **DECISION:**

The representative's decision of June 14, 2012, reference 06, is modified in favor of the appellant. Kim Jones is eligible for benefits from April 22 through July 14, 2012, because he did not have reasonable assurance of employment until the e-mail sent to him. After that, he is ineligible.

The issues of whether he quit without good cause attributable to the employer and whether he refused an offer of suitable work remanded to UIS division for determination.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/kjw