

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHRISTINE HAGERMAN
Claimant

APPEAL NO. 08A-UI-07441-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

CEDAR RAPIDS COMM SCHOOL DIST
Employer

OC: 06/15/08 R: 03
Claimant: Appellant (1)

Section 96.4(5) – Reasonable Assurance

STATEMENT OF THE CASE:

Christine Hagerman filed an appeal from a representative's decision dated August 8, 2008, reference 01, which denied benefits between academic years or terms because the claimant is an employee of an educational institution and has been given reasonable assurance of employment for the next year or term. After due notice was issued, a hearing was held by telephone on September 2, 2008. Ms. Hagerman participated personally. The employer participated by Ms. Jean Milne, Benefits Specialist.

ISSUE:

The issue is whether the claimant is an employee of an educational institution who has been given reasonable assurance of employment for the next year or term.

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 part-time driver for the Cedar Rapids Community School District during the 2007 – 2008 school year and was provided reasonable assurance by the school district on June 1, 2008 of the continuing employment for an educational institution during the next school term or year.

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 for 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 the claimant does have reasonable assurance of obtaining employment for the 2008 – 2009 school year. As a result the claimant is not considered unemployed and is ineligible for unemployment insurance benefits between academic years or terms.

DECISION:

The August 8, 2008, reference 01, decision is affirmed. The claimant does have reasonable assurance of returning to work the following academic year. Benefits are denied.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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