

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TONYA GALLES
Claimant

APPEAL 18A-UI-07131-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

IOWA CATHOLIC CONFERENCE
Employer

**OC: 05/27/18
Claimant: Appellant (1)**

Iowa Code § 96.4(5) – Reasonable Assurance

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the June 29, 2018, (reference 01) decision that denied benefits. After due notice was issued, a telephone conference hearing was held on July 19, 2018. Claimant participated. Employer participated through Jo Tentinger, Business Manager and was represented by Paul Jahnke of the Iowa Catholic Conference.

ISSUE:

Does the claimant have reasonable assurance of continued employment during the next school year or term?

FINDINGS OF FACT:

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: The claimant was employed as a pre-school teacher for three years at Little Hawks preschool of the St. Catharine - St. Mary's Catholic School. The claimant did work during the 2017–2018 school year. Claimant has been offered and accepted the same position during the 2018–2019 school year. The claimant does not have any other wages in her base period from a non-educational institution.

Claimant was paid wages out of the employer account number 108530-420, which is the account number the employer uses to pay employees employed by an educational institution.

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.

Public Law 94-566 provides:

(c) An individual who performs services for an educational institution or agency in a capacity (other than an instructional, research, or principal administrative capacity) shall not be eligible to receive a payment of assistance or a waiting period credit with respect

to any week commencing during a period between two successive academic years or terms if:

- (1) Such individual performed such services for any educational institution or agency in the first of such academic years or terms; and
- (2) There is a reasonable assurance that such individual will perform services for any educational institution or agency in any capacity (other than an instructional, research, or principal administrative capacity) in the second of such academic years or terms.

Iowa Admin. Code r. 871-24.51(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.

The claimant does have reasonable assurance of continued employment for the 2018-2019 school year. As a result, the claimant is not considered unemployed.

DECISION:

The June 29, 2018, (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/rvs