

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SARAH A RAYMOND
Claimant

APPEAL NO. 11A-UI-09185-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**CLAY CENTRAL/EVERLY COMMUNITY
SCHOOL DISTRICT**
Employer

**OC: 05/29/11
Claimant: Respondent (1)**

Section 96.4-5 – Reasonable Assurance

STATEMENT OF THE CASE:

The employer filed a timely appeal from an unemployment insurance decision dated July 5, 2011, reference 01, that allowed benefits to the claimant. After due notice was issued, a telephone hearing was held August 8, 2011 with the claimant participating and being represented by Jordan Skog, Attorney at Law. Superintendent Robert Raymer participated for the employer. Exhibit A was admitted into evidence. This matter is considered on a consolidated record with 11A-UI-09325-AT. The administrative law judge takes official notice of agency benefit payment records.

ISSUE:

Did the claimant have reasonable assurance of continued employment by an academic institution as of May 29, 2011?

FINDINGS OF FACT:

Sarah A. Raymond was a full-time teacher for the Clay Central/Everly Community School District during the 2010-2011 school year. Her contract was not renewed due to budgetary concerns. She filed a claim for unemployment insurance benefits effective May 29, 2011. She received a contract for a full-time position with the IKM-Manning Community School District on June 17, 2011.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.4-5-a 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:

a. Benefits based on service in an instructional, research, or principal administrative capacity in 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 during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or reasonable assurance that the individual will perform services in any such capacity for any educational institution for both such academic years or both such terms.

The evidence in this record establishes that Ms. Raymond did not have reasonable assurance of continued employment by any academic institution as of May 29, 2011, the date that her unemployment insurance benefit year commenced. She is, therefore, eligible to receive unemployment insurance benefits.

DECISION:

The unemployment insurance decision dated July 5, 2011, reference 01, is affirmed. The claimant is entitled to receive unemployment insurance benefits, provided she is otherwise eligible.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs