

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**KEVIN P SAUNDERS**  
Claimant

**DRAKE UNIVERSITY**  
Employer

**APPEAL NO. 21R-UI-09747-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 07/12/20**  
**Claimant: Appellant (2)**

Iowa Code § 96.4-5 – Reasonable Assurance

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated October 14, 2020, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on June 22, 2021. Claimant participated personally. Employer participated by Debra Wiley.

**ISSUE:**

Whether employer gave claimant reasonable assurance of continued employment for the upcoming academic year.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant was employed as a Director of Institutional Research for Drake University. Said employment is as a staff member and not a teaching position and is a full time continuous employment for twelve months out of the year.

Employer furloughed claimant for a one week period of time from July 12-18, 2021. During this period of time claimant remained able and available to work if employer had

**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.

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.

Claimant is a full time, year round staff member with Drake University. As such, claimant is not subject to Iowa Code section 96.4(5)b restrictions. Claimant was furloughed for the week ending July 18, 2021. He was able and available for work during this week. Claimant is not disqualified from the receipt of benefits for this week.

**DECISION:**

The decision of the representative dated October 14, 2020, reference 01 is reversed. Claimant is eligible to receive unemployment insurance benefits, provided claimant meets all other eligibility requirements.



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Blair A. Bennett  
Administrative Law Judge

July 2, 2021  
Decision Dated and Mailed

bab/mh