

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**BENJAMIN J TAYLOR**  
Claimant

**APPEAL 15A-UI-06769-CL-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA CATHOLIC CONFERENCE**  
Employer

**OC: 05/31/15  
Claimant: Respondent (2-R)**

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Iowa Code § 96.4(3) – Ability to and Availability for Work  
Iowa Admin. Code r. 871-24.22(2) – Able & Available - Benefits Eligibility Conditions  
Iowa Code § 96.4(5) – Reasonable Assurance

**STATEMENT OF THE CASE:**

The employer filed an appeal from the June 9, 2015, (reference 01) unemployment insurance decision that allowed benefits. The parties were properly notified about the hearing. A telephone hearing was held on July 14, 2015. Claimant did not participate. Employer participated through Hearing Representative Paul Jahnke, Human Resource Manager Sheryl Sandage, Athletic Director Jason Pratt, and Principal Chris Bork.

**ISSUES:**

Is the claimant able to and available for work?  
Does claimant have reasonable assurance of continued employment in the next school term or year?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant has been employed by employer as a part-time coach since May 2011. During the 2014-2015 school year, claimant coached wrestling and baseball for employer. The wrestling season spans from November through February. The baseball season spans from May through July. Claimant is currently working for employer as a baseball coach.

Each year in August, employer issues salary and benefit worksheets to employees confirming their employment for the next school year. In 2014, employer issued claimant a salary and benefit worksheet for the positions of wrestling and baseball coach for the 2014-2015 school year.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant did have reasonable assurance of continued employment and is able and available to work.

Iowa Code § 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".

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.

In this case, claimant is able and available work as he is currently working for employer. At all times during the 2014-2015 school year, claimant had reasonable assurance he would continue to be employed by employer.

**DECISION:**

The June 9, 2015, (reference 01) decision is reversed. The claimant had reasonable assurance of continued work and is able and available for work. Claimant may have other non-school wages in his base period. This matter is remanded for a determination as to whether claimant is eligible for unemployment benefits based upon wages from other employers. The account of the employer (108530) should not be charged.

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Christine A. Louis  
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Decision Dated and Mailed

cal/pjs