

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**RUTH SUBBA**  
Claimant

**APPEAL NO: 18A-UI-06755-JE-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**DES MOINES IND COMMUNITY SCH DIST**  
Employer

**OC: 12/17/17**  
**Claimant: Appellant (1)**

Section 96.4-5 – Reasonable Assurance

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the June 19, 2018, reference 04 decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on July 9, 2018. The claimant participated in the hearing. Rhonda Wagoner, Benefits Specialist, participated in the hearing on behalf of the employer.

**ISSUE:**

The issue is whether the claimant received a reasonable assurance for employment in the next academic year.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a substitute associate teacher for Des Moines Independent Community School District during the 2017-2018 school year. The employer's manual states a substitute teacher will continue to be employed the next school year unless she resigns or is terminated. The claimant understands she will be returning to work as a substitute associate teacher for the 2018-2019 school year.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant does have a reasonable assurance of returning to work the following academic year.

Iowa Code § 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.

Substitute school employees automatically return the following academic year unless they resign or are terminated for inappropriate behavior or inactivity, none of which scenarios apply to the claimant. Because the claimant is returning to the school district as a substitute associate teacher, she has reasonable assurance of returning to work the following academic year. Therefore, benefits must be denied.

**DECISION:**

The June 19, 2018, reference 04, decision is affirmed. The claimant has reasonable assurance of returning to work the following academic year. Benefits are denied until such time as the claimant has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

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Julie Elder  
Administrative Law Judge

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Decision Dated and Mailed

je/scn