

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KRISTIN KRUSE**

Claimant

**APPEAL NO. 12A-UI-10673-HT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**AREA EDUCATION AGENCY 267**

Employer

**OC: 07/01/12**

**Claimant: Appellant (1)**

Section 96.4(5)b – Reasonable Assurance

**STATEMENT OF THE CASE:**

The claimant, Kristin Kruse, filed an appeal from a decision dated August 24, 2012, reference 01. The decision disqualified her from receiving unemployment benefits. After due notice was issued a hearing was held by telephone conference call on October 1, 2012. The claimant participated on her own behalf. The employer, Area Education Agency 2667 (AEA), participated by Benefits Specialist Betty Beauregard and Principal Greg Koppes.

**ISSUE:**

The issue is whether the claimant had reasonable assurance of employment in the next academic year.

**FINDINGS OF FACT:**

Kristin Kruse was employed by AEA from October 24, 2011 until May 24, 2012 as a part-time education assistant. She was a non-contract employee for the AEA and worked as needed depending on the number of students enrolled in the program at any given time. She worked steadily until the end of the school year.

In August 2012 she requested Principal Greg Koppes to write a letter on her behalf for the Promise Jobs program. He complied, indicating she had worked for the 2011-2012 school year and was on the list of substitutes for the 2012-2013 school year depending on the number of students and the needs of those students.

Ms. Kruse was under the impression she had a full-time job and was changed to a substitute position. The employer had made it clear her work hours would depend on how many students were enrolled in the program and the particular skills required by the teachers she would be assisting.

**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.

The claimant was not employed as a full-time contract employee by the AEA. Her position was essentially that of a substitute teacher who would be placed according to the needs of the employer, the teachers, and the students. She had reasonable assurance she would continue in that capacity for the next academic year. Under the provisions of the above Administrative Code section, she is not eligible for unemployment benefits.

**DECISION:**

The representative's decision of August 24, 2012, reference 01, is affirmed. Kristin Kruse is ineligible for unemployment benefits, as she had reasonable assurance of work in the next academic year to the same extent as she had the prior year.

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Bonny G. Hendricksmeier  
Administrative Law Judge

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Decision Dated and Mailed

bgh/kjw