

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LIANNE C BELIVEAU

Claimant

APPEAL NO: 14A-UI-06530-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

DES MOINES IND COMMUNITY SCH DIST

Employer

OC: 06/01/14

Claimant: Respondent (2)

Iowa Code 96.4(5) – Eligibility Between Academic School Years

PROCEDURAL STATEMENT OF THE CASE:

The employer appealed a representative's June 23, 2014 (reference 01) determination that held the claimant eligible to receive benefits because the employer had not offered her reasonable assurance of returning to work during the 2014-2015 school year. The claimant participated at the July 16 hearing. Cathy McKay, the Director of Benefits, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge concludes the claimant had reasonable assurance of returning to work for the employer and is not eligible to receive benefits during the summer months or between academic school years.

ISSUE:

Is the claimant eligible to receive benefits during the summer if she has reasonable assurance of working for the employer in the 2014-2015 school year?

FINDINGS OF FACT:

The claimant started working for the employer as a substitute teacher in February 2013. When the employer hired the claimant, the employer told her she would automatically be on the substitute teacher list unless the employer contacted her and told her otherwise. The claimant worked for the employer as a substitute teacher during the 2013-2014 school year. The last day the claimant worked as a substitute teacher for the employer was January 22, 2014.

At the end of the school year 2013-2014, the employer did not remove the claimant from the substitute teacher list for the 2014-2015 school year. The claimant established a claim for benefits during the week of June 1, 2014.

The claimant recently moved to Bettendorf because she accepted a full-time teaching position with a Davenport school.

REASONING AND CONCLUSIONS OF LAW:

Benefits based on service in instructional, research, or principal administrative capacity for an education institution shall not be paid for any week of unemployment which begins during the period between two successive academic years or terms, if the individual performs the service in the first academic year and has reasonable assurance of performing services second academic year. Iowa Code § 96.4-5(a).

Since the claimant worked as a substitute teacher during the 2013-2014 school year and the employer automatically considered her a substitute teacher for the 2014-2015 school year, the claimant had reasonable assurance of again working for the employer in the same capacity that she had worked the previous school year. As a teacher, the claimant is not eligible to receive benefits between two academic school years.

DECISION:

The representative's June 23, 2014 (reference 01) determination is reversed. The claimant had reasonable assurance of returning to work for the employer as a substitute teacher during the 2014-2015 school year. Therefore, as a teacher she is not eligible to receive benefits between academic school years or during the summer months. The claimant is not eligible to receive benefits as of June 1, 2014.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/can