

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GINA HIRSCH
Claimant

APPEAL NO. 11A-UI-09386-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**WESTERN DUBUQUE
COMMUNITY SCHOOL DISTRICT**
Employer

OC: 04/24/11
Claimant: Appellant (2)

Section 96.4-5-b – Reasonable Assurance

STATEMENT OF THE CASE:

Gina Hirsch filed a timely appeal from an unemployment insurance decision dated June 16, 2011, reference 05, that denied benefits to her upon a finding that she had reasonable assurance of continued employment with Western Dubuque Community School District. After due notice was issued, a telephone hearing was held September 1, 2011, with Ms. Hirsch participating. The employer provided the name and telephone number of a witness. Repeated calls to that number resulted in answers by a recording that the number could not be completed as dialed. After exhausting all phone numbers for the employer in the file, the administrative law judge conducted the hearing with only Ms. Hirsch participating. Throughout the remainder of the day, there was no contact from Western Dubuque Community School District.

ISSUE:

Does the claimant have reasonable assurance of continued employment with Western Dubuque Community School District?

FINDINGS OF FACT:

Gina Hirsch has been a bus driver for Western Dubuque Community School District since 2008. She is still employed. She started as a substitute, receiving a permanent route in November 2010. At the end of the 2010-2011 school year, the district told the bus drivers that it did not yet know if the drivers would have a route for the 2011-2012 school year. The school year had already started when Ms. Hirsch was notified on or about August 24, 2011, that work was available for her for the school year.

REASONING AND CONCLUSIONS OF LAW:

The evidence in this record persuades the administrative law judge that Ms. Hirsch did not have reasonable assurance of continued employment by Western Dubuque Community School District beginning May 29, 2011, through August 20, 2011. Benefits are allowed for those weeks. Since the school year began during the week of August 21, 2011, the reasonable assurance provisions of the statute are inapplicable as of that date.

DECISION:

The unemployment insurance decision dated June 16, 2011, reference 05, is reversed. The claimant may use her 2010 wages from Western Dubuque Community School District for computing unemployment insurance benefits during the summer of 2011.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw