

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DANA L ROGERS

Claimant

APPEAL NO. 09A-UI-11238-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

IOWA CITY COMMUNITY SCHOOL DIST

Employer

OC: 06/07/09

Claimant: Appellant (1)

Iowa Code Section 96.4-5 – Reasonable Assurance

STATEMENT OF THE CASE:

Dana Rogers filed a timely appeal from a representative's decision dated July 29, 2009, reference 03, which denied benefits between successive academic terms or years as an employee of an educational institution. After due notice, a telephone conference hearing was scheduled for and held on August 31, 2009. Ms. Rogers participated personally. The employer participated by Mr. James Pedersen, Director of Human Resources.

ISSUE:

The issue is whether the claimant is eligible to receive unemployment insurance benefits between successive years and terms as an employee of an educational institution.

FINDINGS OF FACT:

The administrative law judge, having considered the evidence in the record, finds: Dana Rogers was employed as a para educator for the Iowa City Community School District during the 2008-2009 school year. The school year ended on approximately June 5, 2009. On May 28, 2009, Ms. Rogers was sent a letter of agreement by the Iowa City Community School District offering the claimant the same or similar employment for the 2009-2010 school year. Ms. Rogers agreed to return and signed the agreement.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code section 96.4-5-a 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:

a. Benefits based on service in an instructional, research, or principal administrative capacity in 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 during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or reasonable assurance that the individual will perform services in any such capacity for any educational institution for both such academic years or both such terms.

The claimant does have reasonable assurance of continuing employment for the 2009-2010 school year. As a result, the claimant is not considered unemployed and is ineligible to receive benefits between academic terms or years as an employee of an educational institution.

DECISION:

The July 29, 2009, reference 03, decision is affirmed. Claimant does have reasonable assurance of returning to work the following academic year. Benefits are denied.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs