

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**ARTUR GOLCZEWSKI**  
Claimant

**APPEAL 19A-UI-06643-S1-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**PLEASANT VALLEY COMM SCHOOL DIST**  
Employer

**OC: 06/16/19  
Claimant: Appellant (1)**

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Iowa Code § 96.4(3) – Able and Available for Work  
Iowa Code § 96.4(5) – Reasonable Assurance  
Iowa Admin. Code r. 871-24.51(6) – Reasonable Assurance

**STATEMENT OF THE CASE:**

Artur Golczewski (claimant) appealed a representative's August 16, 2019, decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits for weeks between successive academic terms with Pleasant Valley Community School District (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for September 16, 2019. The claimant participated personally. The employer participated by Michael Clingingsmith, Chief Financial Officer.

**ISSUE:**

The issue is whether the claimant is between successive terms with an educational institution and had reasonable assurance of employment.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The employer is an educational institution. The claimant was hired on October 22, 2018, as an on-call substitute teacher. He also shelved books in the library. The claimant knew the nature of his position when he was hired and planned to return after the summer break in 2019. The employer also planned on his return for the next academic year. He filed for unemployment insurance benefits with an effective date of June 16, 2019.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes the claimant is not eligible to receive unemployment insurance benefits between academic years.

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.

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.

Iowa Admin. Code r. 871-24.22(2)(2) provides:

Benefit eligibility conditions. For an individual to be eligible to receive benefits the department must find that the individual is able to work, available for work, and earnestly and actively seeking work. The individual bears the burden of establishing that the individual is able to work, available for work, and earnestly and actively seeking work.

i. On-call workers.

(2) Substitute teachers. The question of eligibility of substitute teachers is subjective in nature and must be determined on an individual case basis. The substitute teacher is considered an instructional employee and is subject to the same limitations as other instructional employees. As far as payment of benefits between contracts or terms and during customary and established periods of holiday recesses is concerned, benefits are denied if the substitute teacher has a contract or reasonable assurance that the substitute teacher will perform service in the period immediately following the vacation or holiday recess. An on-call worker (includes a substitute teacher) is not disqualified if the individual is able and available for work, making an earnest and active search for work each week, placing no restrictions on employment and is genuinely attached to the labor market.

The claimant is employed by an educational institution. The claimant did not work the summer between the 2018-2019 and the 2019-2020 academic years. He expected to work for the next

academic year. The two years are successive terms. The claimant was between successive terms with an educational institution with a reasonable assurance of employment. Benefits are denied.

**DECISION:**

The representative's August 16, 2019, decision (reference 01) is affirmed. The claimant is not eligible to receive unemployment insurance benefits for the weeks between successive terms with the employer.

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Beth A. Scheetz  
Administrative Law Judge

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Decision Dated and Mailed

bas/rvs