

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRENDA L JORDAN
Claimant

APPEAL NO. 10A-UI-12686-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

UNIVERSITY OF NORTHERN IOWA
Employer

OC: 03/14/10
Claimant: Appellant (1)

Section 96.4(5)b – Reasonable Assurance

STATEMENT OF THE CASE:

The claimant, Brenda Jordan, filed an appeal from a decision dated September 1, 2010, 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 27, 2010. The claimant participated on her own behalf. The employer, UNI, participated by Compensation Coordinator Lisa Frush.

ISSUE:

The issue is whether the claimant had reasonable assurance of continued employment.

FINDINGS OF FACT:

Brenda Jordan was employed by UNI beginning May 18, 1999 as a three-quarter time employee working 12 months of the year. She bid into a new position that began in December 2009, also in a three-quarter time position, but working only nine months of the year. She filed a claim for unemployment benefits with an effective date of March 14, 2010, when she was on mandatory furlough, and filed an additional claim effective May 16, 2010, at the end of the academic year.

The claimant maintained she did not know whether or not she was expected to return in the next academic year in the fall of 2010. She was not notified by UNI she was laid off or had not successfully completed her probation in the new position. Both of these actions would have required formal notice and proceedings under the collective bargaining contract if the employer did not want her to return in the next academic year.

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 record establishes the claimant had reasonable assurance of continued employment in the next academic year for this employer. Under the provisions of the above Code section, she is therefore ineligible for unemployment benefits.

DECISION:

The representative's decision of September 1, 2010, reference 01, is affirmed. Brenda Jordan is ineligible for benefits, as she had reasonable assurance of continued employment in the next academic year.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw