

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BOBBIJO L DUNCAN**

Claimant

**APPEAL NO. 10A-UI-12605-VST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**MASON CITY COMMUNITY SCHOOL DIST**

Employer

**OC: 07/25/10**

**Claimant: Appellant (1R)**

Section 96.4-5-B – Reasonable Assurance of Employment Between Academic Terms

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated September 3, 2010, reference 01, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on October 27, 2010. Claimant participated. Employer participated by Ramona Jeffrey, Director of Finance. The record consists of the testimony of Ramona Jeffrey and the testimony of BobbiJo Duncan.

**ISSUE:**

Whether the claimant had reasonable assurance of employment between academic terms.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The employer in this case is an educational institution in the state of Iowa. The claimant worked as a substitute para-professional during the academic year 2009-2010, which ended on June 1, 2010. The claimant is working as a substitute para-professional during the school year which began on or about August 17, 2010.

**REASONING AND CONCLUSIONS OF LAW:**

Public Law 94-566 provides:

(c) An individual who performs services for an educational institution or agency in a capacity (other than an instructional, research, or principal administrative capacity) shall not be eligible to receive a payment of assistance or a waiting period credit with respect to any week commencing during a period between two successive academic years or terms if:

(1) Such individual performed such services for any educational institution or agency in the first of such academic years or terms; and

(2) There is a reasonable assurance that such individual will perform services for any educational institution or agency in any capacity (other than an instructional, research, or principal administrative capacity) in the second of such academic years or terms.

The evidence in this case established that the claimant had reasonable assurance of employment between academic terms with an educational institution. The claimant is not eligible for unemployment insurance benefits from this employer.

There was some testimony at the hearing that the claimant may have wages from employers other than educational institutions during her base period. The administrative law judge could not obtain sufficient information to make that determination one way or the other. This matter is therefore remanded to the Claims Section to see if the claimant is eligible for benefits based on earnings from non-educational employers. No benefits will be charged to this employer.

**DECISION:**

The decision of the representative dated September 3, 2010, reference 01, is affirmed. This matter is remanded to the claims section to determine if the claimant is eligible for benefits based on earnings from non-educational employers. No benefits will be charged to this employer—101501-000.

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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

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