

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**LORI J NELSON**  
Claimant

**THE UNIVERSITY OF IOWA**  
Employer

**APPEAL 21A-UI-06540-JC-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 05/17/20**  
**Claimant: Appellant (2)**

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Iowa Code § 96.4(5) – Reasonable Assurance

**STATEMENT OF THE CASE:**

The claimant/appellant, Lori J. Nelson, filed an appeal from the February 10, 2021 (reference 01) Iowa Workforce Development (“IWD”) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on May 10 2021. The claimant participated. The employer was represented by Jessica Wade. Claimant Exhibit A was admitted. The administrative law judge took official notice of the administrative records, including wage history. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Did the claimant have reasonable assurance of continued employment in the next school year?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant established her claim for unemployment insurance benefits with an effective date of May 17, 2020. Claimant has been employed full time with the employer since 1999. Most recently, claimant has worked as an adjunct professor.

For the past four academic years, claimant has taught two courses for each of the fall and spring semesters. She does not usually work summers. Employer usually provides claimant notice by the end of the spring term of her fall term schedule. In January 2020, claimant learned employer would no longer permit her to teach two classes per semester and limited to one class per semester. Spring semester ended May 18, 2020.

Due to uncertainty with the COVID-19 pandemic and enrollment, employer did not notify of her fall offer of employment until August 12, 2020. Classes began August 19, 2020 for the fall term. Claimant has no other regular non-educational institution employment wage credits in the base period.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant did not have reasonable assurance of returning to work the following academic term or year until August 12, 2020.

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.

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.

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.

Since the claimant did not receive notice of the class she would be assigned to teach until August 12, 2020, she did not have reasonable assurance of continued employment for the 2020-2021 fall term until August 12, 2020. As a result, the claimant is considered unemployed for the period from May 17, 2020 through August 12, 2020. Benefits are allowed for that period, provided claimant is otherwise eligible.

**DECISION:**

The February 10, 2021 (reference 01) decision is REVERSED. The claimant did not have reasonable assurance of returning to work the following academic year or term from the period from May 17, 2020 through August 12, 2020. Benefits are allowed for that period.



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July 1, 2021  
Decision Dated and Mailed

jlb/scn