

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MARY L CAMPBELL
Claimant

DUBUQUE COMMUNITY SCHOOL DISTRICT
Employer

APPEAL 20A-UI-10487-CL-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 09/08/19
Claimant: Respondent (4)

Iowa Code § 96.4(5) – Reasonable Assurance

STATEMENT OF THE CASE:

On August 26, 2020, the employer filed an appeal from the August 17, 2020, (reference 03) unemployment insurance decision that allowed benefits. The parties were properly notified about the hearing. A telephone hearing was held on October 15, 2020. Claimant participated. Employer participated through payroll specialist Mindy Klein.

ISSUE:

Does the claimant have reasonable assurance of continued employment in the next school term or year?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer on October 16, 2019. Claimant works for employer as a full-time assistant cook manager. Claimant's last day of pay for the 2019-2020 school year was June 2, 2020.

Claimant reopened a previous claim for unemployment insurance benefits with an effective reopening date of May 31, 2020.

On August 17, 2020, Iowa Workforce Development issued a decision denying benefits from May 31, 2020, until July 11, 2020, based on claimant's inability to work due to an injury. Claimant has not appealed that decision. It has become final.

On June 17, 2020, employer sent claimant a letter of assignment offering the full-time assistant cook manager position for the next school year. On June 25, 2020, claimant accepted the position.

Claimant has other regular non-educational institution employment wage credits in her base period.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 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 § 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.

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. 871-24.52(6) provides:

Benefits which are denied to an individual that are based on services performed in an educational institution for periods between academic years or terms shall cause the denial of the use of such wage credits. However, if sufficient nonschool wage credits remain on the claim to qualify under Iowa Code § 96.4(4), the remaining wage credits may be used for benefit payments, if the individual is otherwise eligible.

In this case, the claimant does have other non-educational institution wage credits in the base period. The claimant did have reasonable assurance of continued employment for the 2020 - 2021 school year but is otherwise monetarily eligible according to base period wages. Claimant will not be eligible for benefits until July 11, 2020, because of her inability to work until that date.

DECISION:

The August 17, 2020, (reference 03) unemployment insurance decision is modified in a way that is favorable to both parties. The claimant did have reasonable assurance of returning to work the following academic year or term effective June 17, 2020, but she has other wages in the base period that make her eligible for benefits. Benefits may be allowed effective July 11, 2020, provided claimant is otherwise eligible. This employer's account (101899) will not be charged.



Christine A. Louis
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October 19, 2020
Decision Dated and Mailed

cal/sam