

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**LESLEY CULVER**  
Claimant

**APPEAL NO: 08A-UI-07369-DT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**SPENCER COMMUNITY SCHOOL DISTRICT**  
Employer

**OC: 07/06/08 R: 01  
Claimant: Appellant (4)**

Section 96.4-5-a – Benefits During Successive Academic Terms  
871 IAC 24.51(6) – Reasonable Assurance

**STATEMENT OF THE CASE:**

Lesley Culver (claimant) appealed a representative's August 7, 2008 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits between academic terms with the Spencer Community School District (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on August 27, 2008. The claimant participated in the hearing. Greg Eveling appeared on the employer's behalf and presented testimony from one other witness, Lucas DeWitt. Based on the evidence, the arguments of the parties, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Is the claimant eligible for benefits between successive terms with an educational institution based on wages from that institution?

**FINDINGS OF FACT:**

The claimant started working for the employer on September 17, 2007. She worked part time (33 hours per week) as a special education associate during the 2007 – 2008 academic year.

In April 2008 the employer advised the claimant that due to budget cutbacks there would be a reduction of ten associates, and since she had the least seniority, she was not likely to be offered a contract for the 2008 – 2009 school year, at least to start. The claimant heard nothing further from the employer regarding the possibility of getting a new contract; in June she contacted the employer and confirmed that it had already sent out contracts to those associates who were being asked to return. As a result, she established an unemployment insurance benefit year effective July 6, 2008. Her only base period wages are with the employer.

On July 22 the claimant again verified that the employer had already sent out its contracts for the associates to return in 2008 – 2009. However, on July 25 the employer reviewed the contracts that had been returned and accepted and those which had been declined, creating some vacancies. As a result, on that date the employer mailed the claimant an offer of contract

to be an associate in the 2008 – 2009 academic year. The claimant did not receive the contract offer until the following week, and accepted and signed that contract on July 28.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa law provides that a claimant who has wage credits earned through service in an instructional, research, or principal administrative capacity in an educational institution is only eligible for benefits based on those wage credits during the period between two successive academic years if the claimant has a contract or “reasonable assurance” that the claimant will perform services in any such capacity for any educational institution for both such academic years or both such terms. Code § 96.4-5-a. “Reasonable assurance” is any written, verbal, or implied agreement that the claimant can expect to perform services for the employer in the same or similar capacity in the next year or term which is not substantially less in economic terms and conditions that the service performed during the prior academic year or term, where that understanding has been communicated to the claimant. 871 IAC 24.51(6).

The employer is an “educational institution.” 871 IAC 24.51(1). The claimant worked for the employer during the 2007 – 2008 academic year and as of July 25, 2008 was and is expected to work for the employer during the 2008 – 2009 academic year. However, the claimant did not have reasonable assurance of continued employment until July 25. Given the delayed nature of the employer’s offer of employment in the 2008 – 2009 academic year, pursuant to 871 IAC 24.52(2) and 871 IAC 24.52(12) , the claimant is eligible for unemployment insurance benefits until the week beginning July 27, 2008.

**DECISION:**

The representative’s August 7, 2008 decision (reference 01) is modified in favor of the claimant. The claimant is eligible to receive unemployment insurance benefits for the weeks between successive terms with the employer through July 26, 2008. As of July 27, 2008, benefits are denied, as she had reasonable assurance of continued employment as of that week.

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Lynette A. F. Donner  
Administrative Law Judge

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Decision Dated and Mailed

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