**Section 2915.25 Rebuttal Of The Presumption Of Reasonable Assurance Of Continued Employment**

The individual employed by the educational institution or educational service agency must establish by a preponderance of the evidence that such individual no longer has a reasonable assurance of continued employment, in order to be eligible for benefits under this Part. Such evidence may include a written notice of dismissal from the employer, a written statement under oath or such other evidence which tends to show that the presumption provided in Section 2915.20 is without basis. In the event, however, that the educational institution or educational service agency files a protest to the claim and gives additional assurance that the individual will continue to be employed in the next academic year or term or following the vacation period or holiday recess, then the presumption of reasonable assurance of continued employment remains unless and until the educational institution or educational service agency either gives a definite notice of termination or does not receive such individual back to work, whichever occurs first, or until the individual presents additional evidence to rebut the employer's statement.

Example: Notices of dismissal are routinely sent out to employees at the end of the academic year or term, simply as a precaution on the chance that the budget may not be approved. The individual submits this notice in evidence when filing a claim for benefits, but the educational institution affirmatively asserts in its response to the notice that a claim for benefits has been filed that the individual still has a reasonable assurance of continued employment. Such individual shall be denied benefits because the presumption of his returning to work remains in effect.