

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SCOTT E LAWRENCE
Claimant

APPEAL NO: 14A-UI-01881-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EASTERN IOWA COMMUNITY COLLEGE
Employer

OC: 08/25/13
Claimant: Appellant (1)

Iowa Code § 96.4(5) – Eligibility between Academic Terms

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's February 14, 2014 determination (reference 03) that held him ineligible to receive benefits between academic terms or during a holiday recess. The claimant participated at the March 11 hearing. Debra Sullivan, the director of human resources, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge finds the claimant is not eligible to receive benefits from January 5 through January 18, 2014.

ISSUE:

Is the claimant eligible to receive benefits between academic terms?

FINDINGS OF FACT:

The claimant started working for the employer as an adjunct professor in January 2010. The claimant was teaching classes as an adjunct professor during the fall of 2013. The employer was on a holiday break or between academic terms from December 17, 2013, through January 21, 2014.

During the week of January 6, 2014, the claimant started teaching 16 hours a week high school students who took classes through the employer. High school students' holiday break was not as long as the break for college students.

The claimant reopened his claim for benefits during the week of January 5, 2014. The claimant filed claims for the weeks ending January 11 and 18, 2014. He reported the wages he earned during these weeks.

REASONING AND CONCLUSIONS OF LAW:

When a claimant has reasonable assurance of returning to work for an educational institution and perform services in both academic school terms, he is not eligible to receive benefits between two successive academic school terms. Iowa Code § 96.4(5). Since the claimant worked as an adjunct professor since January 2010 for the employer and had reasonable

assurance of performing teaching “regular” college classes when the employer’s academic term resumed on January 21, 2014, he is not eligible to receive benefits between academic school terms.

Even though the claimant asserted he should be eligible to receive benefits for the weeks ending January 11 and 18 because he started classes with high school students the week of January 6, the employer was officially on break until January 21, 2014. The claimant accepted employment as an adjunct professor. For unemployment insurance purposes, the employer’s official holiday break or break between terms controls the between terms language that the statute refers to. The claimant is not eligible to receive benefits for the weeks ending January 11 and 18, 2014.

DECISION:

The representative’s February 14, 2014 determination (reference 03) is affirmed. The claimant is not eligible to receive benefits for the weeks ending January 11 and 18, 2014, because during these weeks the employer was between academic terms and the claimant had a reasonable assurance of returning to work when the employer’s spring 2014 term started on January 21, 2014.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs