

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CHRIS JANSEN
Claimant

APPEAL NO: 15A-UI-01164-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EASTERN IOWA COMMUNITY COLLEGE
Employer

OC: 12/14/14
Claimant: Appellant (2)

Section 96.19-38-b – Eligibility for Partial Unemployment Insurance Benefits

STATEMENT OF THE CASE:

Chris Jansen (claimant) appealed a representative's January 15, 2015 decision (reference 01) that concluded she was not qualified to receive unemployment insurance benefits in conjunction with her employment with Eastern Iowa Community College (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on February 23, 2015. This appeal was consolidated for hearing with one related appeal, 15A-UI-01165-DT. The claimant participated in the hearing. The employer received the hearing notice and responded at 8:45 a.m. on February 5, 2015 by registering the name and number of a representative into the Appeals Bureau's conference call system. The employer indicated that Deb Sullivan would be available at the scheduled time for the hearing at a specified telephone number. However, when the administrative law judge called that number at the scheduled time for the hearing, Ms. Sullivan was not available; therefore, the employer did not participate in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is the claimant employed by the employer for less than her usual hours and wages and eligible for full or partial unemployment insurance benefits?

FINDINGS OF FACT:

After a prior period of employment with the employer, the claimant most recently began working for the employer in late August 2009. She works part time as an adjunct professor. She normally taught about four courses per semester, some broken between two quarters. Her most recent day of work as of the date of the hearing in this matter was December 17, 2014, the end of the fall term. In about mid-December the employer informed the claimant that her classes for the beginning of the spring term, at least the first quarter, had been cancelled, so the claimant established her claim for unemployment insurance benefits effective December 14, 2014. Her weekly benefit amount, based on her wage credits with the employer, was calculated to be \$302.00. As of the date of the hearing the claimant anticipated she might be scheduled for one class for the quarter beginning in March 2015.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law provides that a claimant is deemed partially unemployment insurance benefits if she is not employed at her usual hours and wages and earns less than her weekly benefit amount plus \$15.00 in other employment. Iowa Code §96.19-38-b.

Beginning on or about December 14, 2014, the employer was not providing the claimant with reasonable assurance of having substantially the same employment as it provided during her base period. Consequently, the claimant is qualified to receive partial unemployment insurance benefits upon the filing of her claim effective December 14, 2014, provided she is otherwise eligible.

To be eligible for benefits for any particular week, the claimant must file a weekly claim for that week reporting her wages from all employers earned (not paid) for that week; the amount of her eligibility will then be determined pursuant to the formula set out by the statute. Iowa Code § 96.3-3; Rule 871 IAC 24.52(8).

DECISION:

The unemployment insurance decision dated January 15, 2015 (reference 01) is reversed. The claimant is eligible for at least partial unemployment insurance benefits as of December 14, 2014.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs