

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRADLEY E MCCONNELL
Claimant

APPEAL NO. 08A-UI-07090-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

EASTERN IOWA COMMUNITY COLLEGE
Employer

OC: 06/29/08 R: 12
Claimant: Respondent (4)

Section 96.4(5) – Assurance of Continued Work

STATEMENT OF THE CASE:

The employer, Eastern Iowa Community College (EICC), filed an appeal from a decision dated July 29, 2008, reference 01. The decision allowed benefits to the claimant, Bradley McConnell. After due notice was issued, a hearing was held by telephone conference call on August 20, 2008. The claimant participated on his own behalf. The employer participated by Executive Director Lana Dettbarn and was represented by Wendy Meyer.

ISSUE:

The issue is whether the claimant had reasonable assurance of work in the next academic year.

FINDINGS OF FACT:

Bradley McConnell began employment with EICC in August 1988 as an instructor. The academic year of 2007-2008 ended June 23, 2008, and the claimant had not yet been offered a contract for the next academic year. He filed a claim for unemployment benefits with an effective date of June 29, 2008.

On August 4, 2008, Mr. McConnell signed a contract for the 2008-2009 academic year which went into effect August 20, 2008.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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 section 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.

At the time he filed his claim for benefits the claimant did not have reasonable assurance of continued employment in the next academic year. He would therefore be eligible for benefits from June 29 until August 2, 2008. After that the contract was signed and he had assurance of continued employment.

DECISION:

The representative's decision of July 29, 2008, reference 01, is modified in favor of the appellant. Bradley McConnell is qualified for benefits from June 23 through August 2, 2008, provided he is otherwise eligible. After that he is not eligible as he has assurance for employment in the 2008-2009 academic year..

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/css