

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RAHAT KELDIBECK
Claimant

APPEAL NO: 13A-UI-09533-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

KIRKWOOD COMMUNITY COLLEGE
Employer

OC: 05/26/13
Claimant: Respondent (1)

Iowa Code § 96.4-5 - Reasonable Assurance/Educational Institution

STATEMENT OF THE CASE:

Kirkwood Community College (claimant) appealed an unemployment insurance decision dated August 16, 2013, reference 01, which held that Rahat Keldibeck (claimant) was eligible for unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on September 24, 2013. The claimant participated in the hearing. The employer participated through Sheri Hlavacek, Human Resources Specialist.

ISSUE:

The issue is whether the claimant has reasonable assurance of continuing employment in the next academic term or year.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant was hired as a part-time adjunct instructor in arts and humanities on August 23, 2005. He filed a claim for benefits effective May 26, 2013 when he was done teaching the spring semester. The claimant had no indication that he would be offered employment in the upcoming academic term but was offered a teaching assignment a couple weeks before returning to work in August 2013.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that the claimant had reasonable assurance of continued employment in the next academic term. It does not.

Iowa Code § 96.4-5-b denies unemployment insurance benefits based on educational institution wages to an individual provided the individual has reasonable assurance of continued employment in the upcoming academic year or semester. An adjunct instructor has no guarantee of continued employment with the institution. Classes are assigned at the institution's discretion based upon factors such as enrollment numbers and budget. The claimant did return to teaching in August 2013 but had no reasonable assurance of continued

employment until the actual offer was made. Benefits are allowed, provided he is otherwise eligible.

DECISION:

The unemployment insurance decision dated August 16, 2013, reference 01, is affirmed. The claimant had no reasonable assurance of continued employment and qualifies for benefits, provided he is otherwise eligible.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/css