

**BEFORE THE  
EMPLOYMENT APPEAL BOARD  
Lucas State Office Building  
Fourth floor  
Des Moines, Iowa 50319**

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**RICKY C SEBRING**

Claimant,

and

**HAWKEYE COMMUNITY COLLEGE**

Employer.

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**HEARING NUMBER: 15B-UI-00345**

**EMPLOYMENT APPEAL BOARD  
DECISION**

**NOTICE**

**THIS DECISION BECOMES FINAL** unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT** IS FILED WITHIN **30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

**SECTION: 96.4-3, 24.23-26**

**DECISION**

**UNEMPLOYMENT BENEFITS ARE DENIED**

The Claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. With the following modification, the administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED** with the following **MODIFICATION**:

The Employment Appeal Board would modify the administrative law judge's Reasoning and Conclusions of Law:

The Claimant is not entitled to benefits because he is not considered partially unemployed. In addition, while the record does not specify when holiday breaks occurred, the Claimant would not be entitled to benefits for any period he experienced full-time unemployment as a result of being on a holiday break.

Iowa Code section 96.4(5)"c" provides:

With respect to services for an educational institution in any capacity under paragraph "a" or "b", benefits shall not be paid to an individual for any week of unemployment which begins during an established and customary vacation period or holiday recess if the individual performs the services in the period immediately before such vacation period or holiday recess, and the individual has reasonable assurance that the individual will perform the services in the period immediately following such vacation period or holiday recess.

Lastly, the Notice of Hearing did not include the reasonable assurance issue. However, because the matter was discussed during the hearing without objection from either party, notice of the issue is deemed waived.

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Kim D. Schmett

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Ashley R. Koopmans

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James M. Strohman

AMG/fnv