

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JON A MIXDORF
Claimant

APPEAL NO. 12A-EUCU-00075-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

HAWKEYE COMMUNITY COLLEGE
Employer

OC: 05/23/10
Claimant: Appellant (1)

Section 96.4-5-b – Benefits During Successive Academic Terms

STATEMENT OF THE CASE:

Jon Mixdorf (claimant) appealed a representative's February 8, 2012 decision (reference 01) that concluded he was not eligible to receive unemployment insurance benefits for weeks between successive academic terms with Hawkeye Community College (employer). After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was scheduled for March 7, 2012. The claimant was represented by James Gilliam, Attorney at Law, and participated personally. The employer participated by John Clopton, Executive Director of Human Resource Services, and Jodi Dinsdale, Administrative Secretary in Human Resources Services.

ISSUE:

The issue is whether the claimant was between successive terms with an educational institution. For the following reasons the administrative law judge concludes he was.

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 in the fall of 1995. In the fall of 2009 he accepted work as an adjunct instructor teaching approximately three classes over the two semester period. The claimant knew in the fall of 2011, that he would be teaching one class in the spring of 2012. He planned to return to work teaching that class after the fall 2010 semester. The employer also assumed he would return to teach in the spring 2012 semester. The employer has a mini-mester taught in the short time between the fall and spring terms but the claimant and most other adjunct instructors do not teach during that time. The claimant had not taught during a mini-mester since becoming an adjunct instructor. The claimant filed for unemployment insurance benefits with an effective date of December 11, 2011.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant was between successive terms with an educational institution.

Iowa Code section 96.4-5-b 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:

b. Benefits based on service in any other capacity for 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 terms, if the individual performs the services in the first of such academic years or terms and has reasonable assurance that the individual will perform services for the second of such academic years or terms. If benefits are denied to an individual for any week as a result of this paragraph and the individual is not offered an opportunity to perform the services for an educational institution for the second of such academic years or terms, the individual is entitled to retroactive payments of benefits for each week for which the individual filed a timely claim for benefits and for which benefits were denied solely by reason of this paragraph.

The claimant is employed by an educational institution. The claimant worked for the fall 2011 academic semester and was expected to work for the spring 2012 academic semester. The two seasons are successive terms. The claimant is between successive terms with an educational institution.

DECISION:

The representative's February 8, 2012 decision (reference 01) is affirmed. The claimant is not eligible to receive unemployment insurance benefits for the weeks between successive terms with the employer.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css