

New York State Department of Labor
Unemployment Insurance Referee Section

DECISION

Names: John W. Abreu (Lead Case) S.S. No. 104-30-1867 CaseNo. 78-33128 LO
Dinah Levine 134-14-8379 78-32053 LO

Decision mailed and duly filed in the Department of Labor on: JUL 19 1978

FINDINGS OF FACT: Combined hearings were held in which claimant John Abreu and a representative of the employer appeared and testified. A written statement was submitted on behalf of the Industrial Commissioner in lieu of an appearance.

Claimant John Abreu^{was} ruled ineligible for benefits effective May 29, 1978, because his employment and earnings are disregarded when filing a claim between academic years or terms, and claimant Dinah Levine was ruled ineligible for benefits effective May 22, 1978, because her employment and earnings are disregarded when filing a claim between academic years or terms.

Claimant John Abreu, and adjunct lecturer at a college within the Board of Higher Education of the City of New York, has been employed there since September, 1972. Claimant is retained on a semester basis, the last period of employment being from February 9, 1978, through May 30, 1978. He received \$24 per hour and worked 120 hours. On May 4, 1978, claimant received a letter requiring his signature concerning acceptance of reappointment for the following fall semester. The letter of reappointment was subject to sufficiency of registration, changes in curriculum, and financial ability.

Claimant Dinah Levine was employed as an adjunct lecturer from September, 1974. Her last term of employment was February, 1978 through May 30, 1978, in which she earned \$23 per hour for a 90-hour semester. Claimant also received a similar letter of probable reappointment, which she had likewise excused. Claimant Levine did obtain summer employment at the institution which commenced on July 5, 1978, and will run through August 4, 1978.

OPINION: Section 590.10 of the Unemployment Insurance Law was amended January 1, 1978, and provides that persons employed in an instructional, research, or principal administrative capacity by an institution of education must have his earnings disregarded when filing a claim between academic years or terms, provided he has a contract or has reasonable assurance that he will perform such services for the same or other such institution in the next school year or term. I am satisfied that claimants have received reasonable assurance of their reappointment as adjunct lecturers at the school which had employed them since September, 1972 and September, 1974 respectively. It is evident, therefore, that unemployment insurance benefits would not be available to these claimants during the period between academic years under the provisions of the recent amendment to the Unemployment Insurance Law.

DECISION: The initial determinations of ineligibility are sustained.

/s/ EDWARD I. COHEN
Administrative Law Ju