

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**MARETTA M KENDEIGH**  
Claimant

**APPEAL NO. 07A-UI-04894-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 04/15/07 R: 04  
Claimant: Appellant (1)**

Section 96.4-6-a – Qualification for Department Approved Training Benefits

**STATEMENT OF THE CASE:**

The claimant filed an appeal from a representative's decision dated May 4, 2007, reference 02, which required her to be able and available for work and actively seek work with no restrictions on her employability upon a finding that the claimant's request for department approved training was not allowed. After due notice was issued, a telephone conference hearing was held on June 7, 2007. The claimant participated.

**ISSUE:**

The issue is whether the claimant was properly denied the department approved training and whether the claimant is required to be able and available for work and actively seeking work with no restrictions on employability.

**FINDINGS OF FACT:**

Having heard the testimony of the witnesses and having reviewed the evidence in the record, the administrative law judge finds: The claimant made a request for approved training on April 30, 2007 for a course in massage therapy at Capri Cosmetology College for the period of April 29, 2007 until June 14, 2007. Ms. Kendeigh previously graduated from massage therapy training; however, she did not receive required licensing. Ms. Kendeigh most recently worked as a service manager for Wal-Mart Stores from November 2004 until April 2007. The claimant desires to have the work search requirement waived, as her intention is to begin a career in massage therapy upon receiving licensing.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes, based upon the evidence in the record, that the representative properly denied the claimant's request for approved training, as the amount of time that the claimant is required to spend pursuing her educational pursuits as a massage therapist is not substantive enough to require waiver of the work search requirement. Implicit in the requirements of Section 96.4-6-a is that the training program should have a substantial and practical curriculum to justify the use of unemployment funds. Ms. Kendeigh previously

graduated from the course in question and is only taking supplemental courses to allow licensing that has been required since her previous graduation.

Also implicit in the Employment Security Act is the requirement that individuals claiming unemployment insurance benefits be able and available for work as well as actively seeking work by contacting prospective employers each week. The administrative law judge finds that there has been no showing that this requirement should be waived in this instance. The claimant had sufficient time to contact prospective employers to demonstrate her active attachment to the labor force for weeks that she is claiming benefits.

**DECISION:**

The representative's decision dated May 4, 2007, reference 02, is hereby affirmed. Request for department approved training effective April 29, 2007 is denied. The claimant is required to be able and available for work and actively seeking work without placing any undue restrictions on her employability.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

tpn/kjw