

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

PAMELA L DEVORE

Claimant

and

CLARKE COMM SCHOOL DISTRICT

Employer

HEARING NUMBER: 18BUI-01516

**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

DECISION

UNEMPLOYMENT BENEFITS ARE ALLOWED IF OTHERWISE ELIGIBLE

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 it cannot affirm the administrative law judge's decision. The Employment Appeal Board **REVERSES** as set forth below.

FINDINGS OF FACT:

The Claimant was found ineligible as of 12/24/17 because she was not eligible for work. She has since been approved for Department Approved Training retroactive to 12/24/17 in Reference 06 decision issued on March 14, 2018.

REASONING AND CONCLUSIONS OF LAW:

The rules of the Department state:

24.39(2) A claimant may receive unemployment insurance while attending a training course approved by the department. While attending the approved training course, the claimant **need not be available for work** or actively seeking work except if the hours of the training are outside the regular hours worked in the base period employment. After completion of

department-approved training the claimant must, in order to continue to be eligible for unemployment insurance, place no restriction on employability. The claimant must be able to work, available for work and be actively searching for work. In addition, the claimant may be subject to disqualification for any refusal of work without good cause after the claimant has completed the training.

871 IAC 24.39(2). Since the Claimant has been placed on Department Approved Training, she need not be available for work, and we accordingly reverse the finding that she is denied benefits for not being available for work.

DECISION:

The administrative law judge's decision dated February 8, 2018 is **REVERSED**. The Employment Appeal Board concludes that the Claimant need not be able and available for work from December 24, 2017 and continuing so long as she remains on Department Approved Training. Of course the Employer will not be charged for any benefits collected while the Claimant is on Department Approved Training.

Kim D. Schmett

Ashley R. Koopmans

James M. Strohmman

RRA/fnv