

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**RODRICK F DALE**  
Claimant

**APPEAL 21A-UI-22962-DB-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 06/13/21**  
**Claimant: Appellant (2)**

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Iowa Code § 96.4(3) – Able to and Available for Work

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the October 5, 2021 (reference 05) unemployment insurance decision that denied benefits finding that the claimant was not able to and available for work. After due notice was issued, a telephone hearing was held on December 7, 2021. The claimant participated personally. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records.

**ISSUE:**

Was the claimant considered to be able to work and available for work?

**FINDINGS OF FACT:**

Having heard the testimony and having examined the evidence in the record, the administrative law judge finds: Claimant filed an original claim for unemployment insurance benefits effective June 13, 2021. From July 19, 2021 through October 20, 2021, the claimant attended full-time schooling at 160 Driving Academy to obtain his CDL. For each of the weeks in which he filed weekly-continued claims for benefits, he was actively searching for work.

Iowa Workforce Development issued a decision dated November 18, 2021 (reference 06) which found that the claimant was approved for department approved training from July 18, 2021 through October 23, 2021. Claimant satisfactorily completed training and obtained his CDL. His graduation date was October 20, 2021. Claimant began working full-time as a CDL driver effective November 15, 2021 for Reedy's Transport LLC. Claimant last filed a weekly-continued claim for benefits for the week-ending October 30, 2021.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes as follows:

Iowa Code § 96.4(3) provides:

Required Findings.

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual's regular job, as defined in section 96.1A, subsection 37, paragraph "b", subparagraph (1), or temporarily unemployed as defined in section 96.1A, subsection 37, paragraph "c". The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3, are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph "h".

Iowa Admin. Code r. 871-24.39 provides:

Department-approved training. The intent of department-approved training is to allow for claimants to return to the labor market after attending vocational training while being paid unemployment insurance benefits. Vocational training is nonacademic, skill-oriented training that provides the student with job tools and skills that can be used in the workplace. Vocational training includes technical, skill-based, or job readiness training intended for pursuing a career. Upon approval from the department, the claimant shall be exempt from the work search requirement for continued eligibility for benefits. In order to be eligible for department-approved training programs and to maintain continuing participation therein, the individual shall meet the following requirements:

(1) The claimant must make application to the department setting out the following:

- a. The educational establishment at which the claimant would receive training.
- b. The estimated time required for such training.
- c. The date the training will be complete or the degree will be obtained
- d. The occupation which the training is allowing the claimant to maintain or pursue.
- e. The training plan, indicating the requirements which must be met in order to complete the certification or degree.

(2) A claimant may receive unemployment insurance while attending a training course approved by the department, under the following conditions:

- a. The educational establishment must be a college, university or technical training institution.
- b. The training must be completed 104 weeks or less from the start date.
- c. The individual must be enrolled and attending the training program in person as a full-time student.

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, be 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.

(3) The claimant must show satisfactory attendance and progress in the training course prior to being considered for a subsequent approval and must demonstrate that such claimant has the necessary finances to complete the training to substantiate the expenditure of unemployment insurance funds.

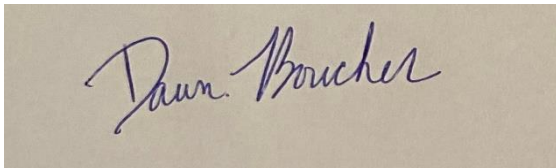
This rule is intended to implement Iowa Code section 96.4(6).

(emphasis added).

Claimant has credibly testified that he has been able to and available for work since June 13, 2021. Because department approved training was allowed, the claimant need not be available for work or actively seeking work. See Iowa Admin. Code r. 871-24.39. As such, benefits are allowed effective June 13, 2021 through October 30, 2021, provided he remained otherwise eligible.

**DECISION:**

The October 5, 2021 (reference 05) decision is reversed. The claimant has established he was able to and available for work effective June 13, 2021 and that he was exempt from the requirement of being available for work during the time he was attending department approved training. Benefits are allowed effective June 13, 2021 through October 30, 2021, provided the claimant remained otherwise eligible.

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Dawn Boucher  
Administrative Law Judge

December 15, 2021  
Decision Dated and Mailed

db/db