

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

STEPHEN J HIRACHETA
Claimant

APPEAL NO. 15A-UI-05875-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 04/19/15
Claimant: Appellant (2)**

Iowa Code § 96.4-6-a – Department Approved Training
871 IAC 24.39(2) – Department Approved Training – Able and Available

STATEMENT OF THE CASE:

Stephen Hiracheta (claimant) appealed a representative's May 15, 2015, decision (reference 02) that denied a request for department approved training effective May 24, 2015. A hearing was not deemed necessary to be held in order to make a decision for reasons which will appear in the Findings of Fact.

ISSUE:

The issue is whether the claimant's request for department approved training is allowed.

FINDINGS OF FACT:

The administrative law judge, having considered all of the evidence in the record, finds that: The claimant filed an original claim for unemployment insurance benefits effective April 19, 2015. A representative's May 15, 2015, decision (reference 02) found the claimant not eligible for department approved training effective May 24, 2015. A representative's May 29, 2015, decision (reference 03) found the claimant eligible for department approved training effective May 24, 2015, through August 15, 2015.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant's separation was not the result of a disqualifying reason.

Iowa Admin. Code r. 871-24.39 provides:

Department-approved training or retraining program. The intent of the department-approved training is to exempt the individual from the work search requirement for continued eligibility for benefits so individuals may pursue training that will upgrade necessary skills in order to return to the labor forces. In order to be eligible for

department-approved training programs and to maintain continuing participation therein, the individual shall meet the following requirements:

(1) Any claimant for benefits who desires to receive benefits while attending school for training or retraining purposes shall make a written 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 occupation which the training is allowing the claimant to maintain or pursue.

(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. 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.

(3) The claimant must show satisfactory attendance and progress in the training course 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 § 96.4(6).

Inasmuch as the department entered a reversal of their previous decision prior to the appeal hearing, no appeal hearing is necessary. The claimant's request for department approved training is allowed effective May 24, 2015, through August 15, 2015.

DECISION:

The representative's May 15, 2015, decision (reference 02) is reversed. The claimant's request for department approved training is allowed effective May 24, 2015, through August 15, 2015.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/pjs