

Code §96.4(4)(c) and 871 IAC 24.31. The exceptions refer to subsection 3 – not four – of section 96.4 and subsection 5 of chapter 96, not subsection four. The exceptions that are stated refer to eligibility and disqualification exceptions which apply during the current benefit year, but say nothing at all about modifying the conditions for becoming eligible for a *subsequent* benefit year.

It is true that the \$250 requirement can be difficult to meet while in training, but frankly it is no less difficult for people who are in school but who have exhausted benefits because they are unable to find a job. Often we have seen such people complain that if they could earn \$250 then they wouldn't need to establish a second benefit year. A similar argument could be made for those on training benefits. Both such arguments, however, take exception to the *wisdom* of the statutory provision, and do not change the fact that there is such a requirement. We are bound by the plain words of the statute and there is nothing in the Code stating that the \$250 is waived for those on approved training. The decision of the Administrative Law Judge is thus affirmed.

Kim D. Schmett

Ashley Koopmans

James M. Strohman