

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI	
ALYSIA I GORDON Claimant IOWA WORKFORCE DEVELOPMENT DEPARTMENT	APPEAL NO. 12A-UI-11072-JTT ADMINISTRATIVE LAW JUDGE DECISION OC: 08/19/12 Claimant: Appellant (1)

Section 96.5(2)(a) – Discharge for Misconduct

STATEMENT OF THE CASE:

Alysia Gordon filed a timely appeal from the September 6, 2012, reference 02, decision that denied her application for department approved training effective August 19, 2012. After due notice was issued, a hearing was held on October 9, 2012. Ms. Gordon was not available at the telephone number she had provided for the hearing and did not participate. The administrative law judge notes that the hearing time had been moved at Ms. Gordon's request to a time she indicated she could be available. The administrative law judge took official notice of Ms. Gordon's application for department approved training, which notice was in the agency's administrative file. The hearing in this matter was consolidated with the hearing in Appeal Number 12A-UI-11071-JTT.

ISSUE:

Whether Ms. Gordon is eligible for department approved training.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Alysia Gordon established a claim for unemployment insurance benefits that was effective August 19, 2012. On August 24, 2012, Ms. Gordon submitted a written application for department-approved training status. Ms. Gordon stated on the application that she had started a Internet-based medical transcriptionist course in March 2012. The course is through At Home Professions, a Colorado company. Ms. Gordon stated on the application that the course would end on January 15, 2012, though Ms. Gordon presumably meant 2013. Ms. Gordon stated on the application that there was no class schedule. On September 6, 2012, a Workforce Development representative denied the application for department approved training. The representative cited as their reason for denying the application that "the training program does not have a substantial and practical curriculum to justify the use of unemployment insurance funds."

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.4(6)(a) provides as follows:

An otherwise eligible individual shall not be denied benefits for any week because the individual is in training with the approval of the director, nor shall the individual be denied benefits with respect to any week in which the individual is in training with the approval of the director by reason of the application of the provision in subsection 3 of this section relating to availability for work, and an active search for work or the provision of section 96.5, subsection 3, relating to failure to apply for or a refusal to accept suitable work. However, an employer's account shall not be charged with benefits so paid.

Iowa Administrative Code section 871 IAC 24.43(7) echoes the language of the statute.

Iowa Administrative Code section 871 IAC 24.39 describes the purpose of the department approved training program. Subsections 1 and 3, set forth requirements an applicant must satisfy.

871—24.39(96) Department–approved training or retraining program. The intent of 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:

24.39(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.

...

24.39(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.

Ms. Gordon's online medical transcriptionist course does not satisfy the requirement that the proposed training take place at an educational institution. Ms. Gordon's online medical transcriptionist course makes it difficult or impossible for the agency to measure "satisfactory attendance and progress in the training course." The online medical transcriptionist course offered through "At Home Professionals" begs the question of whether completing the course would in fact prepare or qualify Ms. Gordon for employment in the healthcare field or any other field. Ms. Gordon is not eligible for department approved training status. Department approved training benefits are denied effective August 19, 2012.

DECISION:

The Agency representative's September 6, 2012, reference 02, decision is affirmed. The claimant is not eligible for department-approved training in connection with the August 24, 2012 application. Department-approved training status denial is effective August 19, 2012.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

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