

**IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI**

**LORI BUSMA
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**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Appeal Number: 05A-UI-06004-ET
OC: 04-24-05 R: 03
Claimant: Appellant (4)**

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

871 IAC 24.29 – Department Approved Training

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the May 31, 2005, reference 04, decision that allowed her request for Department Approved Training (DAT) but modified the completion date to July 30, 2005, instead of April 22, 2006, which was provided in a previous decision. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on June 27, 2005. The claimant participated in the hearing.

FINDINGS OF FACT:

Having heard the testimony of the witness and having reviewed all the evidence in the record, the administrative law judge finds: In June of 2005, the claimant began taking classes at Hawkeye Community College (HCC). She was authorized for DAT for the period May 8, 2005, through April 22, 2006. That decision was subsequently modified to June 1, 2005 to July 27, 2005. The claimant is taking classes offered under the medical secretary program. During the summer session, which ends July 27, 2005, she took two classes. The fall session begins on August 22, 2005 and the claimant is signed up to take five classes. The fall session concludes on December 15, 2005. The claimant's graduation date is May 2006.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is eligible for Department Approved Training.

871 IAC 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 section 96.4(6).

As stated in the above-cited rule, DAT is available for training that will upgrade necessary skills so that an individual may return to the labor force. The claimant has established that she has registered for five classes in the fall session, which concludes on December 15, 2005. These classes represent a substantial and practical curriculum such as would justify the use of unemployment insurance benefits. Accordingly, the claimant is approved for DAT from June 1, 2005 through May 2006, provided she continues to meet the stated requirements.

DECISION:

The May 31, 2005, reference 04, decision is modified in favor of the appellant. The claimant is eligible for DAT through the date ending May 2006.

je/sc