

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**JOE M MALDONADO**  
Claimant

**APPEAL 18A-UI-01293-SC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 11/26/17  
Claimant: Appellant (2)**

---

Iowa Code § 96.4(6)a – Department Approved Training  
Iowa Admin. Code r. 871-24.39 – Department Approved Training

**STATEMENT OF THE CASE:**

Joe M. Maldonado (claimant) appealed the January 24, 2018, reference 03, unemployment insurance decision that denied department approved training. After due notice was issued, a telephone hearing was held on February 21, 2018. The claimant participated. The administrative law judge took official notice of the administrative record, including fact-finding documents.

**ISSUE:**

Is the claimant eligible for department approved training?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a claim for benefits effective November 26, 2017. The most recent employer was Westrock Services, Inc. Normal work hours during the base period were between 10:30 p.m. and 7:00 a.m. On January 12, 2018, the claimant applied for department approved training. The claimant currently attends school at Western Iowa Tech training to be an Electrician. The anticipated training completion date is May 14, 2019. The classes are held between the hours of 9:30 a.m. and 11:50 a.m. The claimant is successfully fulfilling the requirements of the program, including attendance and coursework progress. The claimant does have the necessary finances to complete the training.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant is eligible for department approved training.

Iowa Code § 96.4(6)a provides:

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 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 Admin. Code r. 871-24.39<sup>1</sup> provides:

Department-Approved Training or Retraining Program.

The intent of department-approved training is to exempt the individual from the work search requirement for continued eligible 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 of 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 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, available for work, and be actively searching for work. In addition, the claimant may be subject to disqualification for any refusal or 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.

---

<sup>1</sup> The regulation was amended effective February 7, 2018. However, as the unemployment insurance decision was issued prior to the amendment taking effect, the regulation that was in effect at the time of the decision will be used.

The claimant meets the eligibility requirements for department approved training because the claimant would not be able to attend classes and work full-time as he did during the base period. The claimant is enrolled and making satisfactory progress to complete the training. Therefore, department approved training is allowed and the claimant does not have to be able to work, available for work, or actively and earnestly seeking work in any week he attends department approved training.

**DECISION:**

The January 24, 2018, reference 03, unemployment insurance decision is reversed. The claimant is eligible for department approved training. The employer's account shall not be charged for benefits paid during the claimant's eligibility for department approved training.

---

Stephanie R. Callahan  
Administrative Law Judge

---

Decision Dated and Mailed

src/scn