

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JEFFREY A OSTERGAARD
Claimant

APPEAL NO: 12A-UI-07961-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

GLEN OAKS COUNTRY CLUB INC
Employer

OC: 05/27/12

Claimant: Appellant (4)

Section 96.4-3 – Able and Available

STATEMENT OF THE CASE:

Jeffrey A. Ostergaard (claimant) appealed a representative's June 29, 2012 decision (reference 02) that concluded he was not qualified to receive unemployment insurance benefits in conjunction with his employment with Glen Oaks Country Club, Inc. (employer) because of not being fully able and available for work. The claimant received the hearing notice and responded by calling the Appeals Section on July 13, 2012. He indicated that he would be available at the scheduled time for the hearing at a specified telephone number. However, when the administrative law judge called that number at the scheduled time for the hearing, the claimant was not available; therefore, he did not participate in the hearing. The employer responded to the hearing notice and indicated that Jeff Strahl would participate as the employer's representative. When the administrative law judge contacted Strahl for the hearing, he agreed that the administrative law judge should make a determination based upon a review of the available information. Based on a review of the available information and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Was the claimant eligible for unemployment insurance benefits by being able and available for work?

FINDINGS OF FACT:

The claimant established a second unemployment insurance benefit year effective May 27, 2012. He had previously been granted Department-Approved Training (DAT) training status in his prior benefit year, but that status had expired as of May 27, 2012. The administrative law judge takes official notice of the fact that subsequent to the issuance of the representative's disqualification decision in this case, two new decisions were issued on July 6, 2012 by another representative extending the claimant's DAT status first from May 27 through June 30, 2012 (reference 04), and then through September 15, 2012 (reference 05).

REASONING AND CONCLUSIONS OF LAW:

With respect to any week in which unemployment insurance benefits are sought, in order to be eligible the claimant must be able to work, be available for work, and be earnestly and actively seeking work. Iowa Code § 96.4-3. There is an exemption from this requirement for persons who have been granted DAT status. The claimant was granted DAT status effective May 27, 2012, currently through September 15, 2012; he is therefore exempt from being able and available for full work and for making a work search for that period. Further, the employer is not subject to charge for benefits paid to the claimant while he is in that status. Iowa Code § 96.4-3; Iowa Code § 96.4-6; 871 IAC 24.39.

Benefits are allowed, if the claimant is otherwise eligible.

DECISION:

The representative's June 29, 2012 decision (reference 02) is modified in favor of the claimant. The claimant is exempt from the requirement that he be fully able and available for work effective May 27, 2012, through the period of time for which he is granted department approved training status, currently September 15, 2012. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible. The employer is not subject to charge during this period.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/kjw