

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SHARI K CLARK
Claimant

APPEAL 18A-UI-10229-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 06/10/18
Claimant: Appellant (1R)**

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

STATEMENT OF THE CASE:

Shari K. Clark (claimant) appealed the October 5, 2018, reference 06, unemployment insurance decision that denied department approved training. After due notice was issued, a telephone hearing was held on October 26, 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 June 10, 2018 after her separation from employment as a full-time Senior Quality Assurance Analyst. She applied for department-approved training on October 4, 2018. The claimant is not currently enrolled as a student at a college, university, or technical training institution. She completed her Bachelor's Degree in Social Science in 2003.

The claimant is seeking certification to become a Chemical Dependency Counselor which requires, among other things, 1000 hours of practical experience. On October 2, 2018, the claimant started working in an unpaid internship through Unity Point Powell Chemical Dependence Center, part of the Lutheran Hospital in Des Moines, Iowa, to meet the certification criteria. She works a total of 32 to 40 hours a week at varied times between 8:00 a.m. and 9:00 p.m. Whether the claimant is able to and available for work effective September 30, 2018 has not yet been investigated or adjudicated by the Benefits Bureau of Iowa Workforce Development (IWD).

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is not eligible for department approved training.

Iowa Code section 96.4(6)a, b provides:

Required findings.

6. a. 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 Admin. Code r. 871-24.39 provides:

Department-approved training. The intent of department-approved training is to allow for claimants to return to the labor market after attending vocational training while being paid unemployment insurance benefits. Vocation training is nonacademic, skill-oriented training that provides the student with job tools and skills that can be used in the workplace. Vocational training includes technical, skill-based, or job readiness training intended for pursuing a career. Upon approval from the department, the claimant shall be exempt from the work search requirement for continued eligibility for benefits. In order to be eligible for department-approved training programs and to maintain a continuing participation therein, the individual shall meet the following requirements:

(1) The claimant must make 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 date the training will be complete or degree will be obtained.
- d. The occupation which the training is allowing the claimant to maintain or pursue.
- e. The training plan, indicating the requirements which must be met in order to complete the certification or degree.

(2) A claimant may receive unemployment insurance while attending a training course approved by the department, under the following conditions:

- a. The educational establishment must be a college, university, or technical training institution.
- b. The training must be completed 104 weeks or less from the start date.
- c. The individual must be enrolled and attending the training program as a full-time student.

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, be 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 prior to being considered for a subsequent approval and must demonstrate that such claimant has the necessary finances to complete the training to substantiate the expenditure of unemployment insurance funds.

[Emphasis added.]

The claimant does not meet the eligibility requirements for department-approved training because the internship is not part of a training program provided by an approved educational establishment. Therefore, while the claimant's desire for additional certification is understandable and admirable, department approved training must be denied. The claimant must remain able to work, available for work, and actively and earnestly seeking work to maintain eligibility for unemployment insurance benefits.

The issue of whether the claimant is able to and available for work effective September 30, 2018, as delineated in the findings of fact, is remanded to the Benefits Bureau for an initial investigation and determination.

DECISION:

The October 5, 2018, reference 06, unemployment insurance decision is affirmed. The claimant is not eligible for department-approved training.

REMAND:

The issue of whether the claimant is able to and available for work effective September 30, 2018, as delineated in the findings of fact, is remanded to the Benefits Bureau for an initial investigation and determination.

Stephanie R. Callahan
Administrative Law Judge

Decision Dated and Mailed

src/scn