

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LENA GUTIERREZ

Claimant

APPEAL 20A-UI-00683-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 10/13/19

Claimant: Appellant (4)

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

STATEMENT OF THE CASE:

On January 23, 2020, Lena Gutierrez (claimant) appealed the January 21, 2020, reference 05, unemployment insurance decision that denied department approved training. After due notice was issued, a telephone hearing was held on February 7, 2020 and was consolidated with the hearing for appeal 20A-UI-00666-SC-T. 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 unemployment insurance benefits effective October 13, 2019. She applied for department approved training on January 14, 2020. The claimant is enrolled full-time at Western Iowa Tech Community College in a program to obtain a two-year Associates Degree as a Medical Administrative Assistant. The program began on January 13, 2020 and is scheduled to conclude in December 2022. The claimant currently has been satisfactorily attending classes and has 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 to 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. Vocational 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, except if the hours of 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, 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.

The claimant meets the eligibility requirements for department-approved training because the training being sought is vocational in nature, is being held at an approved educational establishment, and will be completed in 104 weeks. Additionally, the claimant is enrolled and attending the program as a full-time student. Therefore, department approved training is allowed effective January 12, 2020 and the claimant does not have to be able to work, available for work, or actively and earnestly seeking work in any week she attends department approved training.

DECISION:

The January 21, 2020, reference 05, unemployment insurance decision is modified in favor of the appellant. The claimant is eligible for department-approved training effective January 12, 2020. The employer's account shall not be charged for benefits paid during claimant's eligibility for department approved training.



Stephanie R. Callahan
Administrative Law Judge

February 14, 2020
Decision Dated and Mailed

src/rvs