

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JENNY R BLUNT
Claimant

APPEAL NO: 14A-UI-12765-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

ABC ELECTRICAL SERVICES LLC
Employer

OC: 11/09/14
Claimant: Appellant (4)

Section 96.4-3 – Able and Available
Section 96.4-6-a – Department Approved Training

STATEMENT OF THE CASE:

Jenny R. Blunt (claimant) appealed a representative's December 10, 2014 decision (reference 02) that concluded she was not qualified to receive unemployment insurance benefits because she was not adequately able and available for work. Hearing notices were mailed to the parties' last-known addresses of record for a telephone hearing to be held at 11:30 a.m. on January 8, 2015. A review of the Appeals Section's conference call system indicates that the employer failed to respond to the hearing notice and provide a telephone number at which a witness or representative could be reached for the hearing and did not participate in the hearing. The claimant responded to the hearing notice and indicated that she would participate in the hearing. When the administrative law judge contacted the claimant for the hearing, she 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 an unemployment insurance benefit year effective November 9, 2014. On November 9, 2014 another representative's decision was issued (reference 01) which concluded that the claimant was granted Department Approved Training (DAT) effective November 9 through December 20, 2014. As of the date of the hearing on this appeal, the claimant had only filed weekly continued claims through December 6, 2014; however, benefits for those weeks have been withheld due to the issuance of the representative's decision in this case on December 10 which held that benefits were denied as of November 9 because the claimant was not adequately able and available for work.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is currently eligible for unemployment insurance benefits by being able and available for employment.

Generally, 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 on the same basis as when the base period wages were accrued. Iowa Code § 96.4-3; Rule 871 IAC 24.22(2)f. However, 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 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.

See also, Rule 871 IAC 24.39.

The claimant has been granted department approved training through December 20, 2014. She is therefore exempt from the requirements to be able and available for work through that period. Benefits for the weeks claimed through December 20 are payable to the claimant. However, the employer is not subject to charge for benefits paid to the claimant while she remains in that status.

As the claimant's claim has become inactive since December 6, she would need to reactivate her claim before additional weeks of benefits could be considered; her eligibility for those weeks would then need to be determined on the basis of whether the claimant was then able and available for work or if she was eligible for an exemption from the requirement for those weeks.

DECISION:

The representative's December 10, 2014 decision (reference 02) is modified in favor of the claimant. The claimant is exempt from the requirement that she be able to work and available for work effective November 9 through December 20, 2014 because of the granting of department approved training status. The claimant is qualified to receive unemployment insurance benefits for weeks claimed during that period, if she is otherwise eligible. The employer is not subject to charge while she remains in that status.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs