

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

WILLIAM H SMITH
217 S PARK LANE
KNOXVILLE IA 50138

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

Appeal Number: 04A-UI-04926-AT
OC: 11/16/03 R: 02
Claimant: Appellant (1)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319**.

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.4-6-a – Department Approved Training Status

STATEMENT OF THE CASE:

William H. Smith filed a timely appeal from an unemployment insurance decision dated April 28, 2004, reference 04, which advised him that he was no longer entitled to department approved training status because he was no longer in training. After due notice was issued, a telephone hearing was held on May 21, 2004 with Mr. Smith participating.

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: William H. Smith was granted department approved

training status while taking Microsoft Specialist Training through New Horizons. Mr. Smith last attended class on March 26, 2004.

REASONING AND CONCLUSIONS OF LAW:

The question is whether Mr. Smith is still eligible for department approved training status. He is not.

Iowa Code Section 96.4-6-a allows department approved training status to individuals who are actively engaged in training with the approval of the department. The evidence in this record establishes that Mr. Smith has not been in training since March 26, 2004. Should he begin a new training program, he is encouraged to contact the Agency to request reinstatement to DAT status.

DECISION:

The unemployment insurance decision dated April 28, 2004, reference 04, is affirmed. The claimant is not eligible for department approved training status effective March 27, 2004.

kjf/b