

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

ANGELA R WOODS
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IOWA WORKFORCE DEVELOPMENT
DEPARTMENT

Appeal Number: 05A-UI-05779-JTT
OC: 12/19/04 R: 02
Claimant: Appellant (2)

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(3) – Active and Earnest Work Search
Section 96.4(6)(a) – Department Approved Training
871 IAC 24.43(7) – Department Approved Training

STATEMENT OF THE CASE:

Angela Woods (claimant) filed a timely appeal from the May 24, 2005, reference 02, decision that she had failed to make an active and earnest work search during the benefit week that ended May 21, 2005 by failing to make two job contacts. After due notice was issued, a hearing was held on June 17, 2005. Ms. Woods participated in the hearing. Department Exhibits One through Three were received into evidence. The administrative law judge took official notice of any and all Agency records regarding the claim for benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Pursuant to a decision dated December 29, 2004, reference 01, Angela Woods was deemed eligible for department-approved training through May 13, 2005. Ms. Woods was and is enrolled as a full-time student in a nursing program at Northeast Iowa Community College. The Spring Term ended Friday, May 13, 2005. The Summer Term began on Monday, May 16, 2005. Pursuant to a decision dated May 31, 2005, reference 03, Ms. Woods was deemed eligible for department-approved training for the period of May 23, 2005 through October 29, 2005. Ms. Woods' weekend break from her department-approved training provided insufficient time to conduct a work search and it would not have been reasonable to expect that Ms. Woods would have been engaged in such a work search during the weekend break from her studies.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence in the record establishes that Ms. Woods was required to make an active and earnest work search during the benefit week that ended May 21, 2005. It does not.

To maintain eligibility for unemployment insurance benefits, a claimant is required to engage in an active and earnest search for new employment. See Iowa Code section 96.4(3). However, an otherwise eligible individual shall not be denied benefits for any week in which the individual is in department-approved training. See Iowa Code section 96.4(6)(a). Nor is such an individual subject to the provisions regarding availability for work or an active search for work set forth in Iowa Code section 96.4(3). See Iowa Code section 96.4(6)(a). See also 871 IAC 23.43(7).

The evidence in the record establishes that Ms. Woods continued to participate in department-approved training during the benefit week that ended May 21, 2005. Ms. Woods was, therefore, not subject to the requirement that she be engaged in an earnest and active search for work during that benefit week.

DECISION:

The Agency representative's decision dated May 24, 2005, reference 02, is reversed. During the benefit week that ended May 21, 2005, the claimant participated in department-approved training and was not subject to the active and earnest work search requirement set forth in Iowa Code section 96.4(3). The claimant was and is eligible for benefits for the benefit week that ended May 21, 2005.

jt/sc