

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

PAMELA HYBERGER
Claimant

APPEAL NO. 14A-UI-04442-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 03/16/14
Claimant: Appellant (2)**

Iowa Code § 96.4-3 - Able and Available for Work
Iowa Code § 96.4(6)(a) - Department Approved Training

STATEMENT OF THE CASE:

Pamela Hyberger (claimant) appealed an unemployment insurance decision dated April 21, 2014, (reference 01), which held that she was not eligible for department-approved training. After a hearing notice was mailed to the party's last-known address of record, a telephone hearing was held on May 19, 2014. The claimant participated in the hearing. Claimant's Exhibits A and B were admitted into evidence. The issue listed on the hearing notice was mistakenly listed as whether the claimant is eligible to receive training extension benefits. She waived formal notice to the proper issue of whether she qualifies for department-approved training so it could be addressed in the hearing as scheduled.

ISSUE:

The issue is whether the claimant is eligible for department-approved training.

FINDINGS OF FACT:

The administrative law judge, having reviewed and considered all of the evidence in the record, finds that: In a decision dated April 21, 2014, reference 01, the claimant's request for Department Approved Training (DAT) was denied. There is no information as to what prompted the denial but there is an incomplete application in the file listing a request for training as an accountant. The claimant did not sign this application and knows nothing about it.

The claimant did complete an application for department approved training to pursue training as a certified web designer, since she has previously performed this type of work. The training is provided at Kirkwood Community College in Marion, Iowa from March 11, 2014, through June 10, 2014. She provided a copy of her class schedule.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant qualifies for department-approved training (DAT). The intent of the department-approved training is to exempt the individual from the work search

requirement for continued eligibility for benefits so individuals may pursue training that will upgrade necessary skills in order to return to the labor forces. See 871 IAC 24.39.

In order to qualify for DAT, the claimant must provide a written application which establishes the school, the dates of training and the occupation for which the training is completed. The claimant need not be available for work or actively seeking work during training but must place no restriction on employment after completion of the training and may be subject to disqualification for refusal of work without good cause after the completion of the training. Additionally, the claimant must show satisfactory attendance and progress in the training course and must demonstrate that she has the necessary finances to complete the training to substantiate the expenditure of unemployment insurance funds. See 871 IAC 24.39

The administrative law judge concludes that the claimant is eligible for DAT as of March 11, 2014. As long as claimant remains eligible for DAT, the requirements to be able and available for work and to make weekly work searches are waived pursuant to 871 IAC 24.39(2).

DECISION:

The unemployment insurance decision dated April 21, 2014, (reference 01), is reversed. The claimant is eligible for department approved training from March 11, 2014, through June 10, 2014. The ability to work and availability for work requirement is waived while the claimant is eligible for DAT.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/css