

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

NICOLE L CIHLA
Claimant

APPEAL NO. 13A-UI-10571-S2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 09/10/13
Claimant: Appellant (2)

Iowa Code § 96.4-6-a – Department Approved Training

STATEMENT OF THE CASE:

Nicole Cihla (claimant) appealed a representative's September 10, 2013, decision (reference 01) that denied her request for department approved training effective August 25, 2013. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on September 25, 2013. The claimant did participate. Exhibit D-1 was admitted into evidence.

ISSUE:

The issue is whether the claimant's request for department approved training should be granted.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant completed an application for department approved training on August 19, 2013. She provided a class schedule but her name was not printed on the document. The department told the claimant to provide a class schedule with her name printed on the document. The claimant provided the document on September 4, 2013.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is eligible for department approved training so long as she meets all other eligibility requirements.

871 IAC 24.39 provides:

Department-approved training or retraining program. 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. In order to be eligible for department-approved training programs and to maintain continuing participation therein, the individual shall meet the following requirements:

(1) Any claimant for benefits who desires to receive benefits while attending school for training or retraining purposes shall make a written 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 occupation which the training is allowing the claimant to maintain or pursue.

(2) A claimant may receive unemployment insurance while attending a training course approved by the department. While attending the approved training course, the claimant need not be available for work or actively seeking work. 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, 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 and must demonstrate that such claimant has the necessary finances to complete the training to substantiate the expenditure of unemployment insurance funds.

This rule is intended to implement Iowa Code § 96.4(6).

The intent of the statute is to upgrade worker's skills and return them to the labor force. The claimant provided the documentation that was requested. She is eligible for department approved training so long as she meets all other eligibility requirements.

DECISION:

The September 10, 2013, reference 01, decision is reversed. The claimant is eligible for department approved training so long as she meets all other eligibility requirements.

Beth A. Scheetz
Administrative Law Judge

Decision Dated and Mailed

bas/css