

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ERICA R HENKLE**  
Claimant

**APPEAL NO. 11A-UI-07411-VST**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 01/30/11  
Claimant: Appellant (2)**

Section 96.4-3 – Able and Available  
871 IAC 24.39(2) – Department Approved Training (DAT)

**STATEMENT OF THE CASE:**

Claimant filed an appeal from a decision of a representative dated June 1, 2011, reference 05, which issued a warning to the claimant for failing to make two job contacts for the week ending May 21, 2011. After due notice, a telephone conference hearing was scheduled for June 20, 2011. The administrative law judge reviewed the file prior to the hearing and concluded that no formal hearing was necessary.

**ISSUE:**

Whether the claimant is able and available for work.

**FINDINGS OF FACT:**

The administrative law judge, having considered all of the evidence in the record, makes the following findings of fact:

The claimant was in Department Approved Training (DAT) through the week ending May 21, 2011. The representative issued a warning for the claimant's failure to make at least two contacts each week. The claimant did not make job contacts since she was in DAT.

**REASONING AND CONCLUSIONS OF LAW:**

Before a claimant is considered eligible to receive weekly unemployment insurance benefits, she must be able and available to work and must make an active search for work. Iowa Code § 96.4-3. The administrative rule states an individual shall be ineligible for benefits for any period during which the department finds the individual failed to make an earnest and active search for work. An individual must make a sincere effort to find a job. 871 IAC 24.22(3). However, while attending an approved training course, the claimant does not need to be available for work or actively seeking work. After completion of the department-approved training, the claimant must be able to work and actively search for work. 871 IAC 24.39(2).

As long as the 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). The claimant was in DAT for the week ending May 21, 2011. She was not required to make weekly work searches. The warning was issued in error and is removed from her record.

**DECISION:**

The unemployment insurance decision dated June 1, 2011, reference 05, is reversed. The ability to work and availability for work requirement is waived while the claimant is eligible for DAT. The warning is removed from the claimant's record.

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Vicki L. Seeck  
Administrative Law Judge

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Decision Dated and Mailed

vls/pjs