

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**AZRA RIZVIC**  
Claimant

**APPEAL 18A-UI-03561-DB-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 04/30/17  
Claimant: Appellant (1)**

Iowa Code § 96.4(6) – Department Approved Training  
Iowa Admin. Code r. 871-24.39 – Department Approved Training

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the March 14, 2018 (reference 06) unemployment insurance decision that denied claimant's request for department approved training. The claimant was properly notified of the hearing. A telephone hearing was held on April 12, 2018. The claimant, Azra Rizvic, participated personally. Claimant's Exhibits A and B were admitted. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records.

**ISSUE:**

Is the claimant eligible for department approved training?

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that:

Claimant filed an initial claim for benefits with an effective date of April 30, 2017. Claimant separated from employment with CBE Companies, Inc. when she was laid off due to lack of work. Claimant was employed as a recruiter in the Human Resources department. She was responsible for assisting management with hiring needs, conducting interviews, and completing orientations with new hires. Claimant's normal working hours at CBE Companies, Inc. were Monday through Friday from 8:00 a.m. to 5:00 p.m., with occasional additional hours after 5:00 p.m. when she was working specific events.

She applied for department approved training on March 12, 2018. She began attending Upper Iowa University on March 12, 2018. She intends to complete her training in July of 2019. She is pursuing her Bachelor of Science degree in Business Administration. She is currently enrolled in six credit hours for this current session, which is considered by Upper Iowa University to be a full-time student status.

She is taking two courses entitled marketing principles and management principles. See Exhibit A. Claimant's marketing principles course is an online course. Claimant is required to log into the computer and participate at least four days per week in the marketing course. There is no requirement for a specific time of day that the claimant must participate in the online marketing principles course. Claimant's management principles course meets on Wednesdays from 5:30 p.m. to 10:00 p.m. each week. The claimant has made satisfactory progress in each of the courses.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant is not eligible for department approved training.

Iowa Code § 96.4(6)a provides:

An otherwise eligible individual shall not be denied benefits for any week because the individual is in training with the approval of the director, nor shall the individual be denied benefits with respect to any week in which the individual is in training with the approval of the director by reason of the application of the provision in subsection 3 of this section relating to availability for work, and an active search for work or the provision of section 96.5, subsection 3, relating to failure to apply for or a refusal to accept suitable work. However, an employer's account shall not be charged with benefits so paid.

Iowa Admin. Code r. 871-24.39 provides:

Department-approved training. The intent of department-approved training is to allow for claimants to return to the labor market after attending vocational training while being paid unemployment insurance benefits. Vocational training is **nonacademic**, skill-oriented training that provides the student with job tools and skills that can be used in the workplace. Vocational training includes technical, skill-based, or job readiness training intended for pursuing a career. Upon approval from the department, the claimant shall be exempt from the work search requirement for continued eligibility for benefits. In order to be eligible for department-approved training programs and to maintain continuing participation therein, the individual shall meet the following requirements:

(1) The claimant must make 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 date the training will be complete or the degree will be obtained.
- d. The occupation which the training is allowing the claimant to maintain or pursue.
- e. The training plan, indicating the requirements which must be met in order to complete the certification or degree.

(2) A claimant may receive unemployment insurance while attending a training course approved by the department, under the following conditions:

- a. The educational establishment must be a college, university or technical training institution.
- b. The training must be completed 104 weeks or less from the start date.
- c. The individual must be enrolled and attending the training program as a full-time student. 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, be 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 prior to being considered for a subsequent approval and must demonstrate that such claimant has the necessary finances to complete the training to substantiate the expenditure of unemployment insurance funds.

(emphasis added).

Claimant is enrolled in academic training, not vocational training. Because claimant's training is not vocational, she is not eligible for department approved training.

**DECISION:**

The March 14, 2018 (reference 06) unemployment insurance decision is affirmed. The claimant is not eligible for department approved training.

---

Dawn Boucher  
Administrative Law Judge

---

Decision Dated and Mailed

db/rvs