

**BEFORE THE  
EMPLOYMENT APPEAL BOARD  
Lucas State Office Building  
Fourth floor  
Des Moines, Iowa 50319**

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**JEAN E GUY**

Claimant,

and

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

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**HEARING NUMBER: 10B-EUCU-00087**

**EMPLOYMENT APPEAL BOARD  
DECISION**

**N O T I C E**

**THIS DECISION BECOMES FINAL** unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT** IS FILED WITHIN **30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

**SECTION: 96.3-5B**

**D E C I S I O N**

The Claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds it cannot affirm the administrative law judge's decision. The Employment Appeal Board **REVERSES** as set forth below.

**FINDINGS OF FACT:**

As the Administrative Law Judge took notice of the administrative file, we rely on it freely, as well as on the computer records of Workforce Development. We have obtained from Iowa Workforce portions of the file not sent to us by the Appeals Section. This included the October 1, 2010 application for training extension benefits.

The claimant was separated from her previous employment as a plastic machine operator and opened a claim for unemployment insurance benefits with an original claim date of October 28, 2007. Ms. Guy's request to have training extension benefits (TEB) was denied on the basis that the claimant failed to make application and be enrolled in training no later than 52 weeks after the end of the benefits year.

On February 12, 2010 the Claimant applied for Department Approved Training (DAT). (Ex. B). This is not the Claimant's application for TEB. The application for TEB was signed by the Claimant on

September 29, 2009 and stamped “RCVD UISC Oct 01, 2009.” (*Application for Approved Training of 10/1/09*). The computer records of IWD show “STAFF NOTES/COMMENTS TEB REC / RECORDED 2009/10/01 .” The application for TEB was filed on October 1, 2009, as the Claimant testified to.

#### **REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.3-5-b provides that training extension benefits are available to individuals meeting the eligibility requirements for unemployment insurance benefits. The applicants must be separated from employment in a declining occupation or involuntarily separated, the individual must be in approved training, the training must be for a high-demand or high-tech occupation, and the individual must apply and be enrolled in training no later than 52 weeks after the end of the benefit year that contained the base period during which the separation took place in order to eligible for training benefits.

Without a doubt the Claimant applied for TEB on October 1, 2009. Nothing in the record shows anything but that the Claimant was enrolled in training within the applicable time frame as well. Accordingly the claims representative decision finding that application for TEB was untimely is in error.

#### **DECISION:**

The administrative law judge’s decision dated April 14, 2010 is REVERSED. The Employment Appeal Board concludes that the claimant did apply for Training Extension Benefits in the applicable time period. This matter is hereby remanded to the appropriate division of Iowa Workforce Development to process the Claimant’s 10/1/2010 timely application for training extension benefits in a manner warranted by the circumstances.

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John A. Peno

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Monique F. Kuester

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Elizabeth L. Seiser