

IOWA DEPARTMENT OF INSPECTIONS AND APPEALS  
Division of Administrative Hearings  
Wallace State Office Building  
Des Moines, Iowa 50319

**Appeal Number:** 08-IWDUI-125  
**OC:**  
**Claimant:** Appellant (1)

DECISION OF THE ADMINISTRATIVE LAW JUDGE

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor Lucas Building, Des Moines, Iowa 50319.**

**NANCY L HOUSEMAN  
300 S KELLY STREET #14  
COLFAX IA 52402**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

**IOWA WORKFORCE DEVELOPMENT  
CAROL PAULUS TAA ADMINISTRATOR  
150 DES MOINES STREET  
DES MOINES IA 50309-5563**

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to the department. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

DAN ANDERSON, IWD

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(Administrative Law Judge)

October 17, 2008

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(Decision Dated & Mailed)

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20 CFR 617.22(f)(2) – Length of Training  
19 U.S.C. 2291 – Qualifying Requirements for Workers/TRA Conditions

STATEMENT OF THE CASE:

The claimant filed an appeal from an Iowa Workforce Development Department decision dated August 29, 2008, which denied the claimant's request to amend her training plan.

The hearing was held pursuant to due notice on October 13, 2008, by telephone conference call. The claimant participated. Carol Paulus, TAA/WIA Administrator, participated on behalf of Iowa Workforce Development.

## FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses, and having considered all of the evidence in the record, finds: After the claimant lay-off from Maytag that was certified by the US Department of Labor for TAA training, she submitted a worker for training approval and allowances while in training to the department on November 16, 2006.

The claimant requested “graphic technology/ASS” at the Des Moines Community College (DMACC) as her training program with a start date of January 8, 2007, and a training ending date of December 17, 2008, a period that covers 104 weeks. Department Administrator Paulus approved the claimant’s training program/plan on November 21, 2006.

The claimant made a written request to amend her training plan on June 4, 2008 in order to add web design (certificate) and photography (diploma) to her DMACC approved graphic technology program. The claimant proposed to start the training on January 8, 2007 with a training ending date of May 7, 2009. The amended training proposal is not a requirement for the claimant to obtain her associate degree in graphic technology, but rather to enhance her future job opportunities.

Administrator Paulus denied the amended training plan to add training as it would add 26-weeks to the original plan, and individuals are entitled to only one training program under a single certification.

## REASONING AND CONCLUSIONS OF LAW:

*The issue is whether the department should have approved claimant’s amended request for additional training dated June 4, 2008.*

### **19 U.S.C. section 2291. Qualifying requirements for workers**

**(a) Trade readjustment allowance conditions.** Payment of a trade readjustment allowance shall be made to an adversely affected worker covered by certification ... who files an application for such allowance for any week of unemployment which begins more than 60 days after the date on which the petition is filed that resulted in such certification was filed ... , if the following conditions are met:

(5) (A) is enrolled in a training program approved by the Secretary ..., and (ii) the enrollment required under clause (i) occurs no later than the latest of – (I) the last day of the 16<sup>th</sup> week after the worker’s most recent separation from adversely affected employment which meets the requirements of paragraphs (1) and (2), (II) the last day of the 8<sup>th</sup> week after the week in which the Secretary issues a certification covering the worker, (III) 45 days after the later of the dates specified in subclause (I) or (2), if the secretary determines there are extenuating circumstances that justify an extension in the enrollment period, or (IV) the last day of a period determined by the Secretary to be approved for enrollment after the termination of a waiver issued pursuant to subsection (c).

**20 CFR 617.22(f)(2) Length of training.** The maximum duration for any approvable training program is 104 weeks (during which training is conducted) and no individual shall be entitled to more than one training program under a single certification.

The administrative law judge concludes that the claimant is NOT entitled to an amended training plan/program benefits beyond the completion date of December 17, 2008 pursuant to the law sections cited above.

The claimant proposed to amend her initial training plan/program approved November 21, 2006 for a period of 104 weeks from January 8, 2007 through December 17, 2008. The amended training plan was to include classes that may enhance the claimant's future job opportunities upon training completion, but are not required for her to obtain a graphic technology associate degree. In effect, the claimant is not amending her initial plan, but adding a new training plan that is beyond the scope of the original program.

The department correctly noted according to the TAA law that the additional training program violates the regulations by constituting a second program that extends the training period 26-weeks beyond the allowable period of 104 weeks.

**DECISION:**

The decision of the representative dated August 29, 2008, is **AFFIRMED**. The claimant's petition for additional training/TAA benefits is **DENIED**.

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