

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PAMELA DAVIS
Claimant

APPEAL NO: 13A-UI-11050-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 03/10/13
Claimant: Appellant (1)**

871 IAC 24.40 – Training Extension Benefits

STATEMENT OF THE CASE:

Pamela Davis (claimant) appealed a representative's September 24, 2013 decision (reference 03) that concluded she was not eligible for training extension benefits. After a hearing notice was mailed to the claimant, a telephone hearing was held on October 23, 2013. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is the claimant eligible for training extended benefits (TEB)?

FINDINGS OF FACT:

The claimant established an unemployment insurance claim year effective March 10, 2013, after a separation from HCM, Inc. This employer had been her primary base period employer. She had worked part time as a dietary aide for that employer from about April 10, 2012 through about March 4, 2013; that employer discharged her from her position. The dietary aide position is not identified as a declining occupation; in fact, food preparers and servers are identified as high demand occupations.¹ She exhausted regular unemployment benefits June 29, 2013. She began receiving emergency unemployment compensation (EUC) as of June 30, and exhausted her eligibility under that program August 24, 2013. The claimant made her application for TEB in the current claim year on September 20, 2013.

The claimant originally started taking classes to become a medical assistant at Kirkwood Community College on August 22, 2011; her anticipated graduation date is December 15, 2013. Medical assistants are identified as being a high demand occupation.² She had a prior claim for unemployment insurance benefits effective July 3, 2011 under which she had been initially granted Department Approved Training (DAT) status effective August 21, 2011. She had also been granted TEB from September 9, 2012 through March 9, 2013. The administrative law

¹ <http://www.iowaworkforce.org/trainingextensionbenefits>

² *Id.*

judge notes that the claimant's most recent and primary employment for her July 3, 2011 claim year was in full-time employment with IAC Iowa City, L.L.C.

The claimant did have some short term or temporary periods of full-time employment after her separation from HCM, Inc. but that employment was not within the claimant's base period.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.3-5-b(1) provides training extension benefits for claimants who are in department approved training under specified circumstances. Before a claimant qualifies for training extension benefits the claimant must: 1) be able to meet the minimum requirements for unemployment benefits; 2) establish that the claimant's separation must have been from full-time work in a declining occupation or the claimant must have been involuntarily separated from full-time work due to a permanent reduction of operations; 3) show that she is in a job training program that has been approved by the Department; 4) establish that she has exhausted all regular and emergency unemployment benefits; 5) show that she was in the training program at the time regular benefits are exhausted; 6) demonstrate that the training falls under one of the following three categories: a) it must be for a high demand or high technology occupation as defined by the Agency; b) it must be for a high-tech occupation or training approved under the Workforce Investment Act (WIA); c) it must be an approved program for a GED; and 7) show that she is enrolled and making satisfactory progress towards completing the training. Iowa Code § 96.3(5)b(5).

Even though the claimant had qualified for TEB in a prior claim year, the criteria must be met for each claim year in benefits are sought. The administrative law judge finds that the context of the statutory references to the separation from employment is to the claimant's primary base period employer, particularly where the separation from that employer immediately preceded the establishment of the claim year. The claimant's separation prior to establishing her current claim year was not from a declining occupation, and was not from full-time employment. While the claimant satisfies the other criteria, she does not satisfy criteria (2), and all criteria must be met. Training extension benefits are denied.

DECISION:

The unemployment insurance decision dated September 24, 2013 (reference 03) is affirmed. The claimant is ineligible for training extension benefits in the current claim year.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/css