

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KIMBERLY J SHERMAN
Claimant

APPEAL NO: 11A-EUCU-00822-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07/18/10
Claimant: Appellant (1)**

Iowa Code § 96.3(5)b – Training Extension Benefits

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's November 4, 2011 determination (reference 06) that denied her request for Training Extension benefits as of November 21, 2010, because she did not meet some of the eligibility requirements. The claimant participated in the hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge finds that based on her employment with M.G. Midwest, Movie Gallery, she is not eligible to receive training extension benefits.

ISSUE:

Is the claimant eligible to receive training extension benefits?

FINDINGS OF FACT:

The claimant established a claim for benefits after M. G. Midwest, or Movie Gallery, closed. The claimant had worked for this employment for a couple of years. The claimant worked about 20 hours a week and earned around \$8 an hour.

The claimant established a claim for benefits during the week of July 18, 2010. She started going to Indian Hills Community College in November 2010. She graduated as a phlebotomist the spring of 2011. After the claimant graduated, she decided to obtain a nursing degree and continued taking classes for this degree. The claimant has obtained Department-Approved Training while she attends college.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.3(5)b(1) provides that a person who has been separated from a declining occupation or who has been involuntarily separated from employment as a result of a permanent reduction of operations and who is in training with the approval of the director (DAT training) or in a job training program pursuant to the Workforce Investment Act of 1998, Pub. L. No. 105-220, (WIA training) at the time regular benefits are exhausted, may be eligible for training extension benefits.

There are specific requirements before a claimant may qualify for training extension benefits: 1) The claimant must meet the minimum requirements for unemployment benefits; 2) 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) the claimant must be in a job training program that has been approved by the Department; 4) the claimant must have exhausted all regular and emergency unemployment benefits; 5) the claimant must have been in the training program at the time regular benefits are exhausted; 6) the training must fall under one of the following three categories: a) it must be for a high-demand or high-technology occupation as defined by Iowa Workforce Development; 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) the claimant must be enrolled and making satisfactory progress towards completing the training. Iowa Code § 96.3(5)b(5).

The evidence indicates the claimant established a claim for benefits during the week of July 18, 2010. The claimant established her claim after her employment at Movie Gallery, or M.G. Midwest, closed. The facts establish the claimant worked for this employment part-time, not full-time. This employment does not satisfy the requirement to be eligible to receive training extension benefits.

DECISION:

The representative's November 4, 2011 determination (reference 06) is affirmed. The claimant is not eligible to receive training extension benefits, because she became unemployed when her part-time job ended. Her request to receive training extension benefits is denied, because she was not working full-time.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw