

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ROSE M LEE
Claimant

APPEAL NO. 100-EUCU-00477-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

Employer

**OC: 10/07/07
Claimant: Appellant (2)**

Section 96.3-5-b – Training Extension Benefits
871 IAC 24.40 – Training Extension Benefit

STATEMENT OF THE CASE:

Rose M. Lee filed a timely appeal from an unemployment insurance decision dated March 4, 2010, reference 02, that denied her request for training extension benefits. After due notice was issued, a telephone hearing was held on March 29, 2010 by Administrative Law Judge Marlon Mormann. Judge Mormann issued a decision in appeal 10A-EUCU-00164-MT on March 29, 2010. Ms. Lee appealed that decision to the Employment Appeal Board which, in an order dated May 18, 2010 remanded the case for a new hearing. After due notice was issued, a telephone hearing was held June 19, 2010 with Ms. Lee participating.

ISSUE:

Is the claimant eligible for training extension benefits?

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Rose M. Lee filed a claim for unemployment insurance benefits during the week of October 7, 2007 after being laid off by IMI Cornelius. The employer ceased operations in Iowa and moved to Mexico. Ms. Lee received unemployment insurance benefits through the state and through the federal government. She filed an application for training extension benefits on December 15, 2009 while she was still in pay status for federal emergency unemployment compensation.

Ms. Lee applied for training extension benefits for taking training to become a business technology specialist at Northern Iowa Community College. This training, which was completed on May 7, 2010, prepares her for employment as a computer support specialist. Computer support specialists are in high demand throughout the state of Iowa.

REASONING AND CONCLUSIONS OF LAW:

The question is whether the evidence establishes that the claimant is eligible for training extension benefits. It does.

871 IAC 24.40 provides:

Training extension benefits.

(1) The purpose of training extension benefits is to provide the individual with continued eligibility for benefits so that the individual may pursue a training program for entry into a high-demand or high-technology occupation. Training extension benefits are available to an individual who was laid off or voluntarily quit with good cause attributable to the individual's employer from full-time employment in a declining occupation or is involuntarily separated from full-time employment as a result of a permanent reduction of operations.

(2) The weekly benefit amount shall be pursuant to the same terms and conditions as regular unemployment benefits and the benefits shall be for a maximum of 26 times the weekly benefit amount of the claim which resulted in eligibility. Both contributory and reimbursable employers shall be relieved of charges for training extension benefits.

(3) The course or courses must be for a high-demand or high-technology occupation. The department will make available to serve as a guide a list of high-demand, high-technology, and declining occupations. The lists shall be available on the department's Web site and workforce centers.

a. High-technology occupations include life sciences, advanced manufacturing, biotechnology, alternative fuels, insurance, environmental technology, and technologically advanced green jobs. A high-technology occupation is one which requires a high degree of training in the sciences, engineering, or other advanced learning area and has work opportunities available in the labor market area or the state of Iowa.

b. A high-demand occupation means an occupation in a labor market area or the state of Iowa as a whole in which the department determines that work opportunities are available.

c. A declining occupation has a lack of sufficient current demand in the individual's labor market area or the state of Iowa for the occupational skills possessed by the individual, and the lack of employment opportunities is expected to continue for an extended period of time.

d. A declining occupation includes an occupation for which there is a seasonal variation in demand in the labor market or the state of Iowa, and the individual has no other skill for which there is a current demand.

e. A declining or high-demand occupation will be determined by using Iowa labor market information for each region in the state.

(4) The individual must be enrolled in the training no later than the end of the benefit year which included the separation which made the individual eligible for training

benefits or the week in which any federal benefit program based upon that benefit year is exhausted. Enrolled before the end of the benefit year means the individual has taken all steps available for entry into the training and has secured a reserved position in the training class. The individual has paid tuition or will pay tuition when the training starts. The training class may begin after the end of the benefit year. The application for training benefits must be received 30 days after the end of the benefit year or 30 days after federal benefits are exhausted. The individual must be enrolled and making satisfactory progress to complete the training program in order to continue to be eligible for training extension benefits.

(5) Training benefits shall cease to be available if the training is completed; the individual quits the training course; the individual exhausts the training extension maximum benefit amount; or the individual fails to make satisfactory progress; and benefits shall cease no later than one calendar year following the end of the benefit year in which the individual became eligible for the benefits. Individuals must file and receive benefits under any federal or state unemployment insurance benefit program until the claim has expired or has been exhausted, in order to maintain eligibility for training extension benefits.

This rule is intended to implement 2009 Iowa Code Supplement section 96.3(5).

Ms. Lee was initially denied training extension benefits because she had not filed her application within 52 weeks after the end of her benefit year on October 5, 2008. While this is true, the statute in question, Iowa Code section 96.3-5-b makes no such requirement. The time limit for filing the application as established in 871 IAC 25.40(4) is that an individual must file the application within 30 days after exhausting all state or federal benefits. Ms. Lee filed her application while she was still in pay status.

The evidence in the record establishes the claimant became unemployed involuntarily because of her employer ceasing operations in this state. The occupation for which she seeks training is on the Agency's list of high demand occupations throughout the state. The administrative law judge concludes that the claimant's application should be approved.

The statute limits training extension benefits through the shorter of six months or the end of training. Benefits shall be awarded through May 8, 2010.

DECISION:

The unemployment insurance decision dated March 4, 2010, reference 02, is reversed. The claimant is entitled to receive training extension benefits through May 8, 2010.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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