

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

DECISION OF THE ADMINISTRATIVE LAW JUDGE

**JASON E CHEDESTER**  
**PO BOX 613**  
**SEARSBRO IA 50242-0613**

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

DAN ANDERSON, IWD

**Appeal Number: 07-IWDUI-130**  
**OC: 04/29/07**  
**Claimant: Appellant (1)**

**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.**

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

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.

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(Administrative Law Judge)

September 28, 2007

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(Decision Dated & Mailed)

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20 CFR 617.25(3)(ii) – Limitations on Training

STATEMENT OF THE CASE:

The claimant filed an appeal from an Iowa Workforce Development Department decision dated August 27, 2007, which approved the claimant's request for machinist technology training, but denied his request for commercial driver's training, because the later training program request post-dated the start of training.

The hearing was held pursuant to due notice on September 24, 2007, by telephone conference call. The claimant, and his witness, Jane Repp, Iowa Workforce Advisor participated. Carol Paulus, TAA/NAFTA Coordinator, 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: The claimant filed an unemployment claim effective April 29, 2007. The claimant was laid-off due to a lack of work by Donaldson Company of Grinnell, Iowa on April 27, 2007. The department determined the impact date to be January 6, 2005. The claimant did not attend a department information meeting for affected workers, but he was provided a packet of information that included forms to request training, and deadline dates for submission of request(s).

The claimant submitted a petition/request for TAA approved training dated August 17, 2007. The training request listed a Commercial Vehicle Driver Program at DMACC of Ankeny, Iowa that started on July 16, 2007, and the Machinist Technology Program to start on August 27, 2007. Although the claimant had conversations with and met with department representative Jane Repp at the Newton, Iowa workforce center prior to July 16 about training program(s), he did not sign and submit a request a formal request for training prior to starting the driver program. Repp advised the claimant and another affected worker (Simonton) that they needed to get back to her and complete their applications for training prior to beginning classes. Repp made a tentative appointment for 3pm. on July 16, but neither the claimant nor his friend reported. The claimant did not complete his application for training.

The department decision allows the claimant TAA benefits for the Machinist program, but it denies benefits for the driver program, because it started well before the request for training was submitted. The claimant did not offer evidence in this hearing of any written request for training as to the driver program that pre-dates the start of that training on July 16, 2007.

## REASONING AND CONCLUSIONS OF LAW:

*The issue is whether the claimant's request for TAA training benefit for the commercial driving program should be approved.*

### **20 CFR 617.25(3)(ii) Limitations on Training under Subpart C**

“does not authorize reimbursement from TAA funds of any training costs which were incurred and for which payment became due prior to the approval of the training program ....”

The administrative law judge concludes that the claimant is NOT entitled to receive the TAA benefits for the commercial driving program, because he failed to timely file an application for that training prior to its start date on July 16, 2007 pursuant to the law section cited above.

The claimant places blame on department representative Repp for being so busy that she failed to meet the training program requirement. However, the law places the responsibility for making a timely training request on the participant. The claimant was put on notice of the training forms and deadline dates by the packet of information regarding the requirements. The evidence is that the claimant delayed almost a month after starting the commercial driving program to submit his formal application, seek approval and cost reimbursement for it.

If the claimant reasonably believed that he had submitted a written request for training for the commercial driving program prior to it starting on July 16, 2007, then he would not have included it

on the written request he submitted to the department on August 17.  
DECISION:

The decision of the representative dated August 22, 2007, is AFFIRMED. The claimant's petition for TAA benefits for the Commercial Driving Program, is DENIED. The claimant is ALLOWED benefits for the Machinist Technology Program as stated in the department decision.

rls