

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**YOLONDA J HALL**  
Claimant

**APPEAL 18A-UI-06170-SC-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 09/03/17**  
**Claimant: Appellant (1)**

Iowa Code § 96.6(2) – Timeliness of Appeal  
Iowa Code § 96.3(5)b – Training Extension Benefits  
Iowa Admin. Code r. 871-24.40 Training Extension Benefits

**STATEMENT OF THE CASE:**

Yolonda J. Hall (claimant) appealed the May 22, 2018, reference 04, unemployment insurance decision that denied training extension benefits. After due notice was issued, a telephone hearing was held on June 20, 2018. The claimant participated. The Department's Exhibits D1 and D2 were admitted into the record. The administrative law judge took official notice of the administrative record, including fact-finding documents.

**ISSUES:**

Is the appeal timely?

Is the claimant eligible to receive training extension benefits?

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant resides in Polk County which is Region 11.<sup>1</sup> The claimant was involuntarily separated from full-time employment as a Team Lead in the Sales Department for a cable television and communications provider in August 2017. She was not separated from a declining occupation<sup>2</sup> or because of a plant closure in a permanent reduction of operations.

The claimant filed a claim for unemployment insurance benefits with an effective date of September 3, 2017. She exhausted her regular unemployment insurance benefits the week ending February 10, 2018. At the beginning of April 2018, the claimant began workforce preparedness classes offered by the Iowa Workforce Development Academy. She submitted

<sup>1</sup> See <https://www.iowaworkforcedevelopment.gov/regional-profiles> (last accessed June 20, 2018).

<sup>2</sup> See <https://www.iowaworkforcedevelopment.gov/declining-occupations-region-2010-2020> (last accessed June 20, 2018).

the application for training extension benefits on May 18, 2018, for the CNC Operator program through Des Moines Area Community College (DMACC), which began on May 22, 2018.

The unemployment insurance decision denying training extension benefits was mailed to the claimant's address of record on May 22, 2018. It contained a warning that an appeal needed to be filed by June 1, 2018. The claimant did not receive the decision until June 2, 2018. The appeal was sent within ten days after receipt of that decision.

## **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant's appeal is timely; however, the claimant is not eligible to receive training extension benefits.

Iowa Code section 96.6(2) provides, in pertinent part:

Filing – determination – appeal.

The representative shall promptly examine the claim and any protest, take the initiative to ascertain relevant information concerning the claim, and, on the basis of the facts found by the representative, shall determine whether or not the claim is valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and its maximum duration, and whether any disqualification shall be imposed. . . . Unless the claimant or other interested party, after notification or within ten calendar days after notification was mailed to the claimant's last known address, files an appeal from the decision, the decision is final and benefits shall be paid or denied in accordance with the decision.

The claimant did not have an opportunity to appeal the unemployment insurance decision because the decision was not received in a timely fashion. Without timely notice of a disqualification, no meaningful opportunity for appeal exists. See *Smith v. Iowa Emp't Sec. Comm'n*, 212 N.W.2d 471, 472 (Iowa 1973). The claimant filed the appeal within two days of receipt. Therefore, the appeal shall be accepted as timely.

Iowa Code § 96.3(5)b provides:

### **b. Training Extension Benefits.**

(1) An individual 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 at the last place of employment and who is in training with the approval of the director or in a job training program pursuant to the Workforce Investment Act of 1998, Pub. L. No. 105-220, at the time regular benefits are exhausted, may be eligible for training extension benefits.

(2) A declining occupation is one in which there is a lack of sufficient current demand in the individual's labor market area for the occupational skills for which the individual is fitted by training and experience or current physical or mental capacity, and the lack of employment opportunities is expected to continue for an extended period of time, or the individual's occupation is one for which there is a seasonal variation in demand in the labor market and the individual has no other skill for which there is current demand.

(3) The training extension benefit amount shall be twenty-six times the individual's weekly benefit amount and the weekly benefit amount shall be equal to the individual's weekly benefit amount for the claim in which benefits were exhausted while in training.

(4) An individual who is receiving training extension benefits shall not be denied benefits due to application of section 96.4, subsection 3, or section 96.5, subsection 3. However, an employer's account shall not be charged with benefits so paid. Relief of charges under this paragraph "b" applies to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

(5) In order for the individual to be eligible for training extension benefits, all of the following criteria must be met:

(a) The training must be for a high-demand occupation or high-technology occupation, including the fields of life sciences, advanced manufacturing, biotechnology, alternative fuels, insurance, and environmental technology. "High-demand occupation" means an occupation in a labor market area in which the department determines work opportunities are available and there is a lack of qualified applicants.

(b) The individual must file any unemployment insurance claim to which the individual becomes entitled under state or federal law, and must draw any unemployment insurance benefits on that claim until the claim has expired or has been exhausted, in order to maintain the individual's eligibility under this paragraph "b". Training extension benefits end upon completion of the training even though a portion of the training extension benefit amount may remain.

(c) The individual must be enrolled and making satisfactory progress to complete the training.

Iowa Admin. Code r. 871-24.40 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 full-time enrollment 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 at 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 application for training benefits must be received within 30 days after state or 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 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 benefits have 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).

The claimant does not meet the eligibility requirements for training extension benefits because she was not separated from a declining occupation or due to a permanent reduction of operations. Additionally, she had not applied for nor was she enrolled in her training by March 12, 2018 or within 30 days of exhausting her regular unemployment insurance benefits. Therefore, while the claimant's desire for additional education is understandable and admirable, training extension benefits must be denied.

**DECISION:**

The claimant's appeal is timely. The May 22, 2018, reference 04, unemployment insurance decision is affirmed. The claimant is not eligible to receive training extension benefits.

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Stephanie R. Callahan  
Administrative Law Judge

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Decision Dated and Mailed

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