

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

TAMMI J LICK
Claimant

APPEAL NO. 12A-UI-11934-HT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 07/29/12
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

Claimant appealed the September 25, 2012, reference 04, representative's decision that denied training extension benefits. After due notice was issued, a telephone hearing was held on November 15, 2012. The claimant participated.

ISSUE:

The issue is whether the claimant is 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 voluntarily separated from employment in 2011 from Holmes Collision Repair in order to take an assignment from a temporary agency in the hopes of getting hired on full-time with the client company. The assignment ended without an offer of permanent work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant is not eligible to receive training extension benefits.

Iowa Code section 96.3-5-a-b provides:

- a. Duration of benefits. The maximum total amount of benefits payable to an eligible individual during a benefit year shall not exceed the total of the wage credits accrued to the individual's account during the individual's base period, or twenty-six times the individual's weekly benefit amount, whichever is the lesser. The director shall maintain a separate account for each individual who earns wages in insured work. The director shall compute wage credits for each individual by crediting the individual's account with one-third of the wages for insured work paid to the individual during the individual's base period. However, the director shall recompute wage credits for an individual who is laid off due to the individual's employer going out of business at the factory, establishment,

or other premises at which the individual was last employed, by crediting the individual's account with one-half, instead of one-third, of the wages for insured work paid to the individual during the individual's base period. Benefits paid to an eligible individual shall be charged against the base period wage credits in the individual's account which have not been previously charged, in the inverse chronological order as the wages on which the wage credits are based were paid. However if the state "off indicator" is in effect and if the individual is laid off due to the individual's employer going out of business at the factory, establishment, or other premises at which the individual was last employed, the maximum benefits payable shall be extended to thirty-nine times the individual's weekly benefit amount, but not to exceed the total of the wage credits accrued to the individual's account.

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.

Claimant does not meet the eligibility requirements for training extension benefits because she was not separated from a declining occupation or because of a permanent reduction of operations. Therefore, training extension benefits are denied.

DECISION:

The September 25, 2012, reference 04, representative's decision is affirmed. The claimant may not receive training extension benefits.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/pjs