

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JANICE NERLY**  
Claimant

**APPEAL NO: 10A-EUCU-00719-BT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 06/29/08**  
**Claimant: Appellant (1)**

Iowa Code § 96.3-5-b – Training Extension Benefits

**STATEMENT OF THE CASE:**

Janice Nerly (claimant) appealed an unemployment insurance decision dated July 19, 2010, reference 03, which held that she was not eligible for training extension benefits. After a hearing notice was mailed to the party's last-known address of record, a telephone hearing was held on Saturday, September 11, 2010. The claimant participated in the hearing. Based on the evidence, the arguments of the party, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**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 separated from her employer, Charles Mark Dunlap, at the end of June 2008. She established a claim for benefits during the week of June 29, 2008. The claimant exhausted her regular unemployment insurance benefits during the week of January 10, 2009. She received Emergency Unemployment Insurance benefits from January 17, 2009 to June 19, 2010 but has now exhausted those benefits also. The claimant was approved for and began classes under Department Approved Training on May 25, 2010 and is expected to complete this training in June 2011.

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether the claimant qualifies for training extension benefits. For the reasons that follow the administrative law judge concludes the claimant is not eligible to receive training extension benefits.

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 a declining occupation or the claimant must have been involuntarily separated 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).

In the case herein, the claimant did not establish the above criteria. First of all, she does not meet the minimum requirements for unemployment benefits as she is not monetarily eligible for benefits as of December 13, 2009. Secondly, the claimant was not in the training program at the time regular benefits were exhausted on January 10, 2009. Consequently, she does not qualify for training extension benefits.

**DECISION:**

The unemployment insurance decision dated July 19, 2010, reference 03, is affirmed. The claimant is not eligible for training extension benefits.

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Susan D. Ackerman  
Administrative Law Judge

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Decision Dated and Mailed

sda/css