

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

NATHANIEL L TIBBITTS Claimant IOWA WORKFORCE DEVELOPMENT DEPARTMENT	<div>68-0157 (9-06) - 3091078 - EI</div> <div>APPEAL NO. 15A-UI-01092-NT ADMINISTRATIVE LAW JUDGE DECISION</div> <div>OC: 08/17/14 Claimant: Appellant (1)</div>
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Section 96.3-5b – Training Extension Benefits

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated January 22, 2015 (reference 08) which denied his request for training extension benefits, finding that he was not eligible. After due notice was provided, a telephone hearing was held on February 23, 2015. Claimant participated.

ISSUE:

At 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: The claimant was separated from Cambrex Corporation in August 2014 and established a claim for unemployment insurance benefits effective August 17, 2014. The claimant's separation was related to his inability to report for scheduled work due to a medical issue. Mr. Tibbitts was not separated from his employment due to a permanent reduction in operations nor was he separated because of a seasonal occupation. Mr. Tibbitts is enrolled in a training program at Northern Iowa Community College, for a degree in health sciences as a therapy assistant. He desires to receive training extension benefits so that he can finish his educational pursuits and become re-employed.

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 that the claimant is not eligible to receive training extension benefits.

Iowa Code Section 96.35b(1) provides that a person that has been separated from a declining occupation or has been involuntarily separated from employment as a result in a permanent reduction of operation 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 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 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, and (C) it must be an approved program for a GED; and (7) the claimant must be enrolled and making satisfactory progress toward the degree/training. Iowa Code Section 96.3-5b(5).

In the case here, the evidence establishes the claimant does not meet the above right criteria. Mr. Tibbitts was not separated from a declining occupation and his separation was not due to a permanent reduction of operations. Consequently, the claimant does not qualify for training extension benefits.

DECISION:

The representative's decision dated January 22, 2015 (reference 08) is affirmed. The claimant is not eligible for training extension benefits.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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