

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LORRETTA I LERCH
Claimant

APPEAL NO. 14A-UI-11275-SWT

**ADMINISTRATIVE LAW JUDGE
NUNC PRO TUNC DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 04/27/14
Claimant: Appellant (4)**

Iowa Code § 96.3-5-b(1) – Training Extension Benefits

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated October 23, 2014, reference 04, that concluded she was not eligible for training extension benefits effective October 19, 2014. A telephone hearing was held on November 19, 2014. The claimant participated in the hearing. Exhibit A was admitted into evidence. This Nunc Pro Tunc Decision is being issued to correct a typographical error in the last sentence before the Decision section of the decision, which should read: "There are no other benefits available in this case." This Nunc Pro Tunc Decision will not create new appeal rights because it is a correction of a typographical error not affecting the rights of the parties.

ISSUE:

Is the claimant eligible for training extension benefits?

FINDINGS OF FACT:

The claimant initially filed a claim for unemployment insurance benefits effective April 28, 2013. She had exhausted regular unemployment benefits on this claim November 9, 2013. She received Emergency Unemployment Compensation from November 9, 2013, through December 28, 2013, which was the final week for EUC benefits.

Effective December 28, 2013, the claimant became receiving training extension benefits (TEB). As of April 27, 2014, the claimant was required to file a claim for a second year of regular benefits, which she received until August 23, 2014, when she again exhausted regular unemployment benefits. She then started receiving TEB again on the April 28, 2013 claim effective August 24.

Although the Agency issued the decision October 23, 2014, reference 04, that stated the claimant was ineligible for TEB effective October 19, 2014, there have been later decisions stating the claimant is eligible for TEB until November 15, when the 26 weeks of TEB benefits exhausted.

The claimant applied for training extension benefits to take classes at Northeast Iowa Community College. She is in the nursing program and will received her degree in December 2016. In November and December 2014, the claimant is taking a nurses' aide class.

REASONING AND CONCLUSIONS OF LAW:

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. Iowa Code § 96.3-5-b(3) states that the training extension benefit amount shall be 26 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.

Although the Agency issued the decision October 23, 2014, reference 04, that stated the claimant was ineligible for TEB effective October 19, 2014, there have been later decisions stating the claimant is eligible for TEB until November 15, when the 26 weeks of TEB benefits exhausted. It is, therefore, unnecessary to address the issue of whether the claimant separated from a declining occupation.

The claimant asked in the hearing whether she could continue to receive TEB or whether there was some other program she could apply for. As of November 15, 2014, the claimant had exhausted the 26 weeks of TEB available. There are no other benefits available in this case.

DECISION:

The unemployment insurance decision dated October 23, 2014, reference 04, is modified in favor of the claimant. The claimant is eligible for training extension benefits through November 15, 2014. Her benefits ended on November 15, 2014.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/pjs/pjs