

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RASHIUD G POPE
Claimant

APPEAL NO. 100-UI-16331-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 12/21/08
Claimant: Appellant (2)

Section 96.3-5-b – Training Extension Benefits
871 IAC 24.40 – Training Extension Benefits

STATEMENT OF THE CASE:

Rashiud G. Pope filed an appeal from an unemployment insurance decision dated July 6, 2010, reference 04, that denied his request for training extension benefits. Due notice was issued for a telephone hearing to be held October 2, 2010. Mr. Pope did not provide a telephone number at which he could be contacted. The administrative law judge affirmed the denial. Mr. Pope then filed an appeal with the Employment Appeal Board which, in a decision dated November 24, 2010 remanded the case for further proceedings. After due notice was issued, a hearing was held December 20, 2010 with Mr. Pope participating. The hearing was recessed and concluded on December 23, 2010.

ISSUE:

Is the claimant eligible for training extension benefits?

FINDINGS OF FACT:

Having heard the testimony of the witness and having examined all of the evidence in the record, the administrative law judge finds: Rashiud G. Pope filed a claim for unemployment insurance benefits effective December 21, 2008. On August 26, 2009, he began training at Indian Hills Community College with the intent of becoming an auto collision technician, a high demand occupation statewide in Iowa.

Mr. Pope did not receive the decision denying training extension benefits that was issued in July 2010. He first learned of its existence on September 7, 2010 and filed an appeal a week later.

REASONING AND CONCLUSIONS OF LAW:

While the appeal was not filed within the statutory time limit, the evidence establishes that the claimant did not receive the decision until September. Under these circumstances, the question becomes whether the claimant filed an appeal within a reasonable amount of time after learning of the decision's existence. See 871 IAC 24.35. The claimant testified of repeated trips out of

state due to the final illnesses of two family members. Given the circumstances, the administrative law judge concludes that his appeal seven days after learning of the decision can be accepted as timely.

The remaining question is whether Mr. Pope is eligible for training extension benefits. He is. The evidence in this record establishes that he began his training before the end of the benefit year upon which his benefits are based, that he filed his application for training extension benefits within 30 days after the expiration of his federal extended benefits and that the course of study is for a high demand occupation. Training extension benefits should be awarded.

DECISION:

The unemployment insurance decision dated July 6, 2010, reference 04, is reversed. The claimant is eligible for training extension benefits.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs