

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

RENEE I CONNOR
Claimant

APPEAL NO. 15A-UI-11403-TN-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04/12/15
Claimant: Appellant (1)

Section 96.3(5)B – Training Extension Benefits
Iowa Admin. Code r. 871-24.40 – Training Extension Benefits
Iowa Code section 17A.12(3) – Eligibility to Receive Training Extension Benefits

STATEMENT OF THE CASE:

Renee Connor, the claimant, filed a timely appeal from a representative's decision dated October 8, 2015, reference 04, which denied the claimant's request for training extension benefits effective October 4, 2015 finding that the claimant failed to meet the required criteria because she had not been separated from a declining occupation, the claimant was not voluntarily separated as a result of a permanent reduction in operations, and the claimant was not separated from a seasonal occupation. A hearing was scheduled for October 28, 2015. The claimant called in late providing her telephone number and established good cause for reopening the hearing record, because Ms. Connor had not received the initial notice of hearing. A telephone conference hearing was held on November 3, 2015 in which the claimant participated.

ISSUE:

The issue is whether the claimant meets the criteria required for an extension of training benefits.

FINDINGS OF FACT:

The administrative law judge, having considered all of the evidence in the record, finds: Renee Connor opened a claim for unemployment insurance benefits with an effective date of April 12, 2015. The claimant was provided the brochure that explains the unemployment system and its requirements. Ms. Connor was most recently employed by Oak Helm Partners, a listing investment company. The claimant was separated from that employment because there was not enough work for her.

The claimant's former employer continues to be in business and is not listed as a declining occupation. The claimant was not separated due to a permanent reduction in Oak Helm Partners operations. The claimant was also not separated from a seasonal occupation.

It is Ms. Connor's position that although she may not be separated from a declining occupation or separated because of a permanent reduction of operations or because it was not a seasonal occupation, she nevertheless should be eligible to receive a training benefit extension because it would help to ensure her prompt reemployment. Ms. Connor also asserts that she has maintained a good grade-point average and needs the financial support to continue her educational pursuits.

REASONING AND CONCLUSIONS OF LAW:

The question before the administrative law judge is whether the evidence in the record establishes that Ms. Connor has met the requirements for training extension benefits. She has not.

Iowa Admin. Code r. 871-24.40 provides:

Training extension benefits.

(1) The purpose of training extension benefits is to provide the individual with continued eligibility for benefits so that the individual may pursue a training program for entry into a high-demand or high-technology occupation. Training extension benefits are available to an individual who was laid off or voluntarily quit with good cause attributable to the individual's employer from full-time employment in a declining occupation or is involuntarily separated from full-time employment as a result of a permanent reduction of operations.

(2) The weekly benefit amount shall be pursuant to the same terms and conditions as regular unemployment benefits and the benefits shall be for a maximum of 26 times the weekly benefit amount of the claim which resulted in eligibility. Both contributory and reimbursable employers shall be relieved of charges for training extension benefits.

(3) The course or courses must be for a high-demand or high-technology occupation. The department will make available to serve as a guide a list of high-demand, high-technology, and declining occupations. The lists shall be available on the department's Web site and workforce centers.

a. High-technology occupations include life sciences, advanced manufacturing, biotechnology, alternative fuels, insurance, environmental technology, and technologically advanced green jobs. A high-technology occupation is one which requires a high degree of training in the sciences, engineering, or other advanced learning area and has work opportunities available in the labor market area or the state of Iowa.

b. A high-demand occupation means an occupation in a labor market area or the state of Iowa as a whole in which the department determines that work opportunities are available.

c. A declining occupation has a lack of sufficient current demand in the individual's labor market area or the state of Iowa for the occupational skills possessed by the individual, and the lack of employment opportunities is expected to continue for an extended period of time.

d. A declining occupation includes an occupation for which there is a seasonal variation in demand in the labor market or the state of Iowa, and the individual has no other skill for which there is a current demand.

e. A declining or high-demand occupation will be determined by using Iowa labor market information for each region in the state.

(4) The individual must be enrolled in the training no later than the end of the benefit year which included the separation which made the individual eligible for training benefits or the week in which any federal benefit program based upon that benefit year is exhausted. Enrolled before the end of the benefit year means the individual has taken all steps available for entry into the training and has secured a reserved position in the training class. The individual has paid tuition or will pay tuition when the training starts. The training class may begin after the end of the benefit year. The application for training benefits must be received 30 days after the end of the benefit year or 30 days after federal benefits are exhausted. The individual must be enrolled and making satisfactory progress to complete the training program in order to continue to be eligible for training extension benefits.

(5) Training benefits shall cease to be available if the training is completed; the individual quits the training course; the individual exhausts the training extension maximum benefit amount; or the individual fails to make satisfactory progress; and benefits shall cease no later than one calendar year following the end of the benefit year in which the individual became eligible for the benefits. Individuals must file and receive benefits under any federal or state unemployment insurance benefit program until the claim has expired or has been exhausted, in order to maintain eligibility for training extension benefits.

This rule is intended to implement 2009 Iowa Code Supplement § 96.3(5).

In the case had hand, the administrative law judge concludes based upon the evidence in the record, that Ms. Connor does not meet the requirements under Iowa Administrative Code or Iowa Admin. Code r. 871-24.40 for training extension benefits. Ms. Connor was not separated from a declining occupation as defined by Iowa Workforce Development and was not involuntarily separated from her previous employment as a result of a permanent reduction of operations by that employer. The claimant was also not separated from her previous job in a seasonal occupation.

Although sympathetic to the claimant's situation, for the above-stated reasons the administrative law judge must conclude that the claimant's request for training extension benefits was properly denied.

DECISION:

The adjudicator's decision dated October 8, 2015, reference 04, is affirmed. The claimant's request for training extension benefits was properly denied as the claimant did not meet the requirements.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

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