

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BOUNTHAM KHATTIYA
Claimant

APPEAL NO: 15A-UI-13502-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 05/10/15
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

Claimant appealed an unemployment insurance decision dated November 30, 2015, reference 09, which denied his request 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 December 30, 2015. Interpretive services were provided by CTS Language Link. 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 EFCO Construction on November 5, 2014. Claimant established a claim for benefits during the week of May 10, 2015. The claimant exhausted his regular unemployment insurance benefits during the week of November 28, 2015.

Claimant's separation from his work came as a result of claimant's health problems and not as a result of a reduction in operations. Claimant has recently been taking ESL classes through Iowa Workforce Development and is now in level four. There is no timetable set for graduation in this program and no grades are received.

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. The claimant was not separated from a declining occupation. The claimant does not qualify for training extension benefits.

DECISION:

The unemployment insurance decision dated November 30, 2015, reference 09, is affirmed. The claimant is not eligible for training extension benefits.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/css