

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

NANCY ELSCOTT
Claimant

APPEAL NO: 10A-EUCU-00597-BT

**ADMINISTRATIVE LAW JUDGE
AMENDED DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/25/09
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

Nancy Elscott (claimant) appealed an unemployment insurance decision dated July 8, 2010, reference 03, which denied her request training extension benefits. A hearing was scheduled for July 24, 2010. The claimant did not respond to the hearing notice by contacting the Appeals Section before the scheduled hearing. As a result, she was not called for the hearing and a decision was entered based on the administrative record. Although it was not recognized at the time by the administrative law judge, the hearing notice was only sent out to the party on July 22, 2010. Consequently, the claimant did not receive proper notice. The administrative law judge contacted the claimant and offered to do the hearing immediately as opposed to waiting another month for it to be scheduled. The claimant agreed and waived notice. Based on the evidence, the arguments of the party, and the law, the administrative law judge enters the following amended 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's most recent employer was a temporary employment agency. She had worked for Express Personnel for approximately five years and had been assigned to Reese Associates. Reese Associates no longer needed temporary employees and the claimant's last assignment ended in January 2009. The employer did not have any other assignments for the claimant that were on her bus line.

The claimant was approved under the Department Approved Training program effective August 23, 2009 through January 23, 2010. She is currently attending Penn Foster College and is seeking to obtain a degree to be a medical assistant.

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 or a seasonal occupation; 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. She was not separated from a declining occupation or due to a permanent reduction of operations. Consequently, the claimant does not qualify for training extension benefits.

DECISION:

The unemployment insurance decision dated July 8, 2010, reference 03, is affirmed. The claimant is not eligible for training extension benefits.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/pjs