

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RITA C YOUNG
Claimant

APPEAL NO. 10A-EUCU-00690-VST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 01/11/09
Claimant: Appellant (4)

Section 96.3-5-B – Training Extension Benefits

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated July 22, 2010, reference 02, which held claimant eligible for training extension benefits beginning on July 4, 2010. After due notice, a telephone conference hearing was scheduled for and held on September 18, 2010. Claimant participated. The record consists of the testimony of the claimant and agency records. Official notice is taken of agency records.

ISSUE:

Whether the claimant is eligible for training extension benefits between May 30, 2010, and July 3, 2010.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The claimant established a claim for benefits with an original claim date of January 11, 2009. On May 20, 2010, a written decision (reference 01), was issued, which qualified the claimant for training extension benefits. The claimant was going to school to obtain her G.E.D. She had actually started her G.E.D. classes in February 2010. At that time the claimant was receiving EUCU benefits, which were exhausted the week ending June 5, 2010.

The claimant originally began taking her G.E.D. classes at Clinton Community College in Clinton, Iowa. She was scheduled to attend through July 2, 2010. A personal matter required her to move to Burlington, Iowa, and she immediately re-enrolled in a program in Burlington, Iowa, at Southeastern Community College. She has been attending school continuously from February 2010.

A representative's decision was issued on July 22, 2010, allowing the claimant training extension benefits effective July 4, 2010 through January 8, 2011.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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.

The regulations provide:

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. 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. 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. 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. 871 IAC 24.40(1)(4) and (5).

The issue in this case is whether the claimant is entitled to training extension benefits between May 30, 2010, and July 3, 2010. The claimant would not be entitled to benefits until the week ending June 12, 2010, because she was receiving EUCU benefits through the week ending June 5, 2010. The claimant is eligible for benefits beginning the week ending June 12, 2010.

DECISION:

The decision of the representative dated July 22, 2010, reference 02, is modified in favor of the claimant. The claimant is eligible for training extension benefits beginning the week ending June 12, 2010.

Vicki L. Seeck
Administrative Law Judge

Decision Dated and Mailed

vls/css