

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JILL A SINDT**  
Claimant

**APPEAL NO: 11A-UI-00441-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 07/04/10**  
**Claimant: Appellant (1)**

Iowa Code § 96.5(3)b – Training Extension Benefits

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's January 5, 2011 determination (reference 03) that denied her request for training extension benefits under Iowa's law because an employment separation did not occur because she was separated from a declining occupation, she was not laid off as the result of a permanent reduction of operations and she was not separated from a seasonal job. The claimant participated in a hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge concludes the claimant's request for training extension benefits under Iowa law is denied.

**ISSUE:**

Should the claimant's request for training extension benefits under Iowa law be granted or denied?

**FINDINGS OF FACT:**

The claimant lives close to the Minnesota border and has worked in Iowa and in Minnesota. The claimant established a claim for benefits in Iowa during the week of February 3, 2008. She received benefits in Iowa under this claim year. The Department also granted her Department Approved training for April 17 through May 15, 2010. There is no record the claimant received any other Department Approved training.

The claimant had been working in Minnesota at AgCo when the plant shut down in late June 2009. The Southwest Minnesota Private Industry Council certified in early 2011 that the training program the claimant was enrolled in was an approved Council program. In addition to working at AgCo, the claimant has also worked at GKN Armstrong Wheels. She was discharged from this employment for attendance issues. See decision for appeal 08A-UI-02440-NT.

With the claimant's permission, the administrative law judge learned after the hearing she started receiving unemployment insurance benefits from Minnesota in mid-December 2010 and still receives benefits from Minnesota.

## **REASONING AND CONCLUSIONS OF LAW:**

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 full time work in a declining occupation or the claimant must have been involuntarily separated from full time work 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 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).

Even though the Department informed the claimant in an April 26, 2010 determination that her selected occupational goal satisfied the training extension benefit requirements, the reasons for her employment separation from GKN Armstrong Wheels does not satisfy the requirements of Iowa Code § 96.5(3)b. Based on the reasons for this employment separation, the claimant is not eligible to receive training extension benefits from Iowa.

Since the claimant currently receives benefits from Minnesota, she should work with Minnesota representatives to find out if she is eligible to receive any comparable benefits from Minnesota.

## **DECISION:**

The representative's January 5, 2011 determination (reference 03) is affirmed. The claimant's request for training extension benefits from Iowa is denied because the reason for her employment separation from GKN Armstrong Wheels does not satisfy the requirements of Iowa's law. This employment separation did not occur because of a declining occupation, she was not laid off as the result of a permanent reduction in force and this was not a seasonal occupation.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs