

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CARLA J JOHNSON
Claimant

APPEAL NO: 13A-UI-13205-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/25/12
Claimant: Appellant (1)**

871-IAC 24.40 – Training Extension Benefits

STATEMENT OF THE CASE:

Carla J. Johnson (claimant) appealed a representative's November 5, 2013 decision (reference 03) that concluded she was not eligible for training extension benefits. After a hearing notice was mailed to the claimant, a telephone hearing was held on December 23, 2013. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is the claimant eligible for training extended benefits (TEB)?

FINDINGS OF FACT:

The claimant established an unemployment insurance claim year effective November 25, 2012, after a temporary separation from Kelly Services, Inc. This employer as well as two other employers had been her base period employers. The claimant's work for all three employers was to work part time on call/ as needed as in effect an administrative assistant. The claimant remains working for these employers on this same basis. An administrative assistant position is not identified as a declining occupation.¹ She exhausted regular unemployment benefits May 25, 2013. She began receiving emergency unemployment compensation (EUC) as of May 26, and exhausted her eligibility under that program August 10, 2013. She has since established a second benefit year effective November 24, 2013 and as of the date of the decision in this matter still has a \$680.00 balance of regular unemployment insurance benefits available to her in the new claim year. The claimant made her application for TEB in the current claim year on October 24, 2013.

For some years the claimant has operated a private venture involving modification of automobiles for persons with disabilities. On September 6, 2013 the claimant started taking a course offered by ISED Ventures class to become certified as a targeted small business,

¹ <http://www.iowaworkforce.org/trainingextensionbenefits>

specifically as a green industry concept business. The class met once a week for four hours. She obtained her certificate on December 2, 2013. Automotive body and related repairers are identified as being a high demand occupation.² The claimant has not received Department Approved Training (DAT) for this training program.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.3-5-b(1) provides training extension benefits for claimants who are in department approved training under specified circumstances. Before a claimant qualifies for training extension benefits the claimant must: 1) be able to meet the minimum requirements for unemployment benefits; 2) establish that 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) show that she is in a job training program that has been approved by the Department; 4) establish that she has exhausted all regular and emergency unemployment benefits; 5) show that she was in the training program at the time regular benefits are exhausted; 6) demonstrate that the training falls under one of the following three categories: a) it must be for a high demand or high technology occupation as defined by the Agency; 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) show that she is enrolled and making satisfactory progress towards completing the training. Iowa Code § 96.3(5)b(5).

The claimant separation prior to establishing her current claim year was not shown to be from a declining occupation, and was not from full-time employment. Her training program has not been approved by the Agency. While the claimant satisfies some of the criteria, she does not satisfy all criteria, and all criteria must be met. Training extension benefits are denied.

DECISION:

The unemployment insurance decision dated November 5, 2013 (reference 03) is affirmed. The claimant is ineligible for training extension benefits.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs

² *Id.*