

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KATHLEEN M HEGWOOD
Claimant

APPEAL NO: 10A-EUCU-00218-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 10/28/07
Claimant: Appellant (2)

Section 96.3-5-b – Training Extension Benefits

STATEMENT OF THE CASE:

Kathleen Hegwood (claimant) appealed a representative's March 15, 2010 department decision, reference 02, that denied her request for training extension benefits. A telephone hearing was held on April 21, 2010. The claimant participated.

ISSUE:

Whether the claimant eligible for training extension benefits.

FINDINGS OF FACT:

The claimant was laid off for lack of work by The Maytag Company on October 26, 2007 that eventually became a plant closing. The claimant filed a claim for benefits effective October 28, 2007. The end of her regular benefit year claim is October 26, 2008. The claimant has been receiving regular and extended benefits up to the denial decision under review in this case.

The claimant started going to school under the Workforce Investment Act (WIA) in January 2008. The claimant received Department Approved Training (DAT) from January 6 through August 6, 2008 to continue her schooling in a medical assistant program at DMACC. When the claimant experienced difficulty in a typing proficiency test, she changed her program to legal assistant at DMACC with an associate degree beginning August 2008. The claimant has continued her legal assistant program as evidenced by a series of DAT decisions (October 8, 2008; January 2, 2009; June 1, 2009; November 10, 2009; and, December 17, 2009). The claimant currently has a G.P.A. of 3.62 and anticipates she will complete her training in May 2010 with an associate degree. There is a high demand for people trained as legal assistants.

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.

The claimant established that she has met the preliminary requirements to be eligible for training extension benefits. She was laid off from work and started her training for medical assistant that was changed to legal assistant in January 2008. She was in a training program at the time she exhausted her regular benefits in October 2008. Also, she was in a job training program pursuant to the Workforce Investment Act of 1998 and has received approval of the Department to attend the training.

Next, a claimant must meet establish the following criteria to be eligible for training extension benefits: The training must be for a high-demand occupation or high-technology occupation, a claimant must have exhausted all regular and emergency unemployment benefits, and the claimant must be enrolled and making satisfactory progress to complete the training. Iowa Code § 96.3-5-b(5).

The claimant established the above criteria also. Therefore, the claimant is eligible for training extension benefits.

DECISION:

The representative's March 15, 2010 decision, reference 02, is reversed. The claimant is eligible for training extension benefits.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

dlw/css