

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LESLIE A PETERS

Claimant

APPEAL NO: 13A-UI-13196-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/03/13

Claimant: Appellant (1)

871-IAC 24.40 – Training Extension Benefits

STATEMENT OF THE CASE:

Leslie A. Peters (claimant) appealed a representative's November 21, 2013 decision (reference 04) 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 26, 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 March 3, 2013, after a separation from Double Eagle Golf, Inc. This employer had been her primary base period employer. She had worked full time as a seasonal administrative assistant for that employer through about March 4, 2013; the employer reduced the claimant's position to a very part time position, and the claimant determined not to remain in the employment. The administrative assistant position is not identified as a declining occupation; in fact, administrative assistants are identified as high demand occupations.¹ She exhausted regular unemployment benefits as of August 10, 2013. She began receiving emergency unemployment compensation (EUC) benefits as of August 11, 2013, and exhausted her eligibility under that program October 26, 2013. The claimant made her application for TEB on November 19, 2013.

The claimant originally started taking classes to become a hair stylist/cosmetologist at the American Hair Academy on April 2, 2013; her anticipated graduation date is June 11, 2014. Although there might be a higher demand in the claimant's home community, cosmetologists or hair stylists are not identified as being a high demand occupation.²

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

² *Id.*

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).

Since the claimant was not forced to leave a low demand occupation, and because cosmetology or hair styling are not considered a high-demand or high technology occupations, the claimant does not met all of the established criteria. Regardless of the benefits the training would provide to the claimant, the administrative law judge does not have discretion to rule contrary to the law. *Lenning v. Iowa Dept. of Transp.*, 368 N.W.2d 98 (Iowa 1985). Training extension benefits are denied.

DECISION:

The unemployment insurance decision dated November 21, 2013 (reference 04) is affirmed. The claimant is ineligible for training extension benefits.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs