

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRIDGET C RIVERS
Claimant

APPEAL NO: 11A-UI-05003-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 10/31/10
Claimant: Appellant (4)**

Iowa Code § 96.3(5)b – Training Extension Benefits

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's April 14, 2011 determination (reference 06) that denied her training extension benefits based on the reasons for her employment separation. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge finds the claimant has satisfied one factor to potentially receive training extension benefits at some future date.

ISSUE:

Based on the reason for the claimant's employment separation is she potentially eligible to receive training extension benefits?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of October 31, 2010, after the business she had been working at closed. The claimant worked full time as a night auditor at Frontier Motor Inn, Inc.

The claimant started going to a community college in January 2011. The claimant is taking classes to become an administrative office support employee.

As of the date of this decision, the claimant has not exhausted her regular unemployment insurance benefits.

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 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 and emergency 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).

Since the claimant has not exhausted her regular unemployment insurance benefits, she is not currently eligible to receive training extension benefits. However, the issue at this hearing was whether the claimant's employment separation from Frontier Motor Inn, Inc. could allow her to receive training extension benefits at some future time. The answer is yes because she worked full time when she was permanently laid off from Frontier Motor Inn, Inc. when this business closed.

DECISION:

The representative's April 14, 2011 determination (reference 06) is modified in the claimant's favor. Since the claimant has not exhausted her regular unemployment insurance benefits, she is not currently eligible to receive training extension benefits. However, she may be eligible at some future date because she has satisfied one factor – the reasons for her employment separation from Frontier Motor Inn, Inc. satisfy one eligibility factor to receive training extensions benefits.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs