

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BRIAN P LAGE
Claimant

APPEAL NO. 09A-UI-15020-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

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

Section 96.3-5-b – Eligibility for Training Extension Benefits
Section 96.6-2 – Timeliness of Appeal

STATEMENT OF THE CASE:

Brian Lage appealed a representative's decision dated September 4, 2009, reference 01, that limited his eligibility for training extension benefits August 23, 2009 through October 3, 2009. After due notice a telephone conference hearing was held on November 5, 2009. The claimant participated personally.

ISSUE:

The issue is whether the claimant is eligible to receive training extension benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: The claimant started going to school to become a certified welder. The claimant was separated from employment in October 2007. He filed his claim for benefits with an effective date of October 7, 2007. In a decision dated September 4, 2009, reference 01, the department approved the claimant's request for department approved training extension benefits for August 23, 2009 through October 3, 2009. Because the training after October 3, 2009 would exceed the limitation that training benefits cease if training is not completed within one year following the end of the benefit year that contained a base period that included the separation making the claimant eligible for training benefits Mr. Lage continued his training through the expiration of his unemployment insurance benefits and a one year period following the end of the benefit year in which his separation from employment took place.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.3-5(b) and section 2-405 provide that training extension benefits are available to individuals meeting the eligibility requirements for unemployment insurance benefits. The applicants must be separated from employment in a declining occupation or involuntarily separated. The individual must be in approved training. The training must be for a high demand or technology occupation and the individual must apply and be enrolled in the

training no later than the end of the benefit year that contained the base period which included the separation making the individual eligible for training benefits. The individual also must be enrolled and making satisfactory progress to complete the training in order to continue being eligible for training extension benefits. Training extension benefits cease to be available if the training is not completed upon the exhaustion of benefits or one calendar year following the end of the benefit year in which the separation from employment occurred.

In this case, Mr. Lage's training continues after one calendar year following the end of the benefit year that contained the base period which included the separation that made Mr. Lage initially eligible for training benefits. As the calendar year following the end of that benefit year takes place on or about October 3, 2009, the claimant is not eligible for training extension benefits beyond October 3, 2009.

Mr. Lage has established good cause for the late filing of his appeal in this matter based upon erroneous information that he had received from the agency representative at the time he initially attempted to file an appeal in this matter.

DECISION:

The representative's September 4, 2009, reference 01, decision is affirmed. The claimant is eligible to receive training extension benefits through October 3, 2009. Training extension benefits cease to be available upon the exhaustion of one calendar year following the end of the claimant's benefit year that contained the base period that included the separation that made the claimant eligible for training benefits.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs