

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SERGEI M TESLIOUK
Claimant

APPEAL NO: 09A-UI-15848-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 04/29/07
Claimant: Appellant (1)**

Section 96.3-5-b – Training Extension Benefits

STATEMENT OF THE CASE:

The claimant appealed from a representative's October 16, 2009 decision (reference 01) that denied his request for training extension benefits. A telephone hearing was held on November 12, 2009. 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 extension benefits?

FINDINGS OF FACT:

The claimant filed a claim for unemployment insurance benefits during the week of April 29, 2007. He was laid off from work as a tool and tie mechanic when his former employer transferred their work to Mexico. The claimant received Department Approved Training to become a massage therapist. The claimant started this training in early May 2007. The claimant graduated from this program the fall of 2008. The claimant took the National Board Exam to become a licensed massage therapist, but did not pass the exam.

The claimant exhausted his regular unemployment insurance benefits the week ending October 6, 2007. He started receiving Emergency Unemployment Compensation the week of July 6, 2008. He exhausted these benefits the week ending June 13, 2009.

The summer of 2009 he received a letter about the Training Extension Benefits. The claimant decided he would become a truck driver and asked for a month of training extension benefits to pursue this occupation.

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. (Emphasis supplied.)

The claimant is not eligible for training extension benefits because he completed his DAT training as massage therapist that he started in May 2007 in the fall of 2008. The claimant has not been in training since he completed his degree as a massage therapist.

The administrative law judge finds no requirement in the statute that a claimant must seek training within 52 weeks of the end of their benefit year. However, the statute is clear that the claimant must be in the training, either DAT or WIA at the time the benefits are exhausted. The claimant was not enrolled in any training after he graduated from his massage therapy classes the fall of 2008. Training extension benefits are provided to claimants who are in training so they can complete the training they started, not to start another training program. Therefore, the claimant's request for training extension benefits is denied.

DECISION:

The representative's October 16, 2009 decision (reference 01) is affirmed. The claimant is not eligible for training extension benefits because he completed the training he started in May 2007 in the fall of 2008. The training the claimant currently seeks to obtain did not start before he exhausted his regular unemployment insurance benefits.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css