

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JENNIFER L BEAR
Claimant

APPEAL NO. 11A-EUCU-00044-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04-12-09
Claimant: Appellant (1)

Section 96.3-5-b – Training Extension Benefits

STATEMENT OF THE CASE:

Claimant appealed an unemployment insurance decision dated January 3, 2011, reference 11, amending reference 10, which held she was eligible for training extension benefits. After a hearing notice was mailed to the party's last-known address of record, a telephone hearing was held on February 12, 2011 by telephone conference call.

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 that: The claimant is eligible for training extension benefits through April 9, 2011. She wants to have her training extension benefits extended beyond April 9, 2011.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant qualifies for training extension benefits. For the reasons that follow the administrative law judge concludes the claimant is she eligible to receive training extension benefits up until April 9, 2011.

Iowa Code section 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.

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 section 96.3-5-b(5).

In the case herein, the claimant established the above criteria. The claimant does qualify for training extension benefits but only through the period of April 9, 2011.

DECISION:

The unemployment insurance decision dated January 3, 2011, reference 11, amending reference 10, is affirmed. The claimant is eligible for training extension benefits until April 9, 2011.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/css