

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GILES D JONES

Claimant

APPEAL NO. 11A-EUCU-00693-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 12/28/08

Claimant: Appellant (2)

871 IAC 24.40 – Training Extension Benefits Eligibility
Section 96.6-2 – Timely Appeal

STATEMENT OF THE CASE:

Giles D. Jones filed an appeal from an unemployment insurance decision dated August 3, 2010, reference 02, that denied his request for training extension benefits. After due notice was issued, a telephone hearing was held September 28, 2011, with Mr. Jones participating. Exhibit D-1 was admitted into evidence. The administrative law judge takes official notice of the claimant's TEB application.

ISSUES:

Has the claimant filed a timely appeal?

Is the claimant eligible for training extension benefits?

FINDINGS OF FACT:

Giles D. Jones is in training to become a gunsmith. His training includes instruction and laboratory work in soldering, brazing, and metal fusion.

Mr. Jones did not receive a decision mailed to him on August 3, 2010, advising him that his request for training extension benefits was denied. He spoke with his local workforce center in August 2011 after he stopped receiving emergency unemployment compensation. Upon learning of the 2010 decision, he promptly filed an appeal.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes that he has jurisdiction to rule on the merits of this case. The evidence establishes that Mr. Jones did not receive the fact-finding decision in time to file an appeal within the time limit set by statute. It also establishes that he filed his appeal within a reasonable amount of time after learning of the existence of that decision.

The remaining question is whether Mr. Jones is in training for a high-demand occupation. See 871 IAC 24.40. To qualify as a high-demand occupation, the job must appear in a list posted on

the Agency's website identifying occupations by standard occupational classification. The specific title of gunsmith does not appear on that list. However, welders, cutters, solderers, and brazers, SOC 51-4121, is listed. The administrative law judge concludes from the evidence before him that Mr. Jones is in training for a specialized subset of this job classification. Under these circumstances, his request for training extension benefits is approved.

DECISION:

The unemployment insurance decision dated August 3, 2010, reference 02, is reversed. The claimant is eligible for training extension benefits.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw