

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

OLEG MONAKHOV Claimant IOWA WORKFORCE DEVELOPMENT DEPARTMENT	<div>68-0157 (9-06) - 3091078 - EI</div> <div>APPEAL NO. 10A-EUCU-00782-H2T ADMINISTRATIVE LAW JUDGE DECISION</div> <div>OC: 11-01-09 Claimant: Appellant (1)</div>
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Iowa Code § 96.3(5)b – Training Extension Benefits

STATEMENT OF THE CASE:

Claimant appealed the August 12, 2010, reference 06, representative's decision that denied training extension benefits. After due notice was issued, a telephone hearing was held on October 2, 2010. The claimant participated.

ISSUE:

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

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds that: The claimant was involuntarily separated from employment on May 7, 2009, because he was laid off, and filed a claim for benefits with an effective date of November 1, 2009. He was laid off as an accounting clerk from a pharmaceutical company. Accounting clerks and accounting positions are considered high-demand occupations and pharmaceutical companies are not considered declining operations.

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 not eligible to receive training extension benefits.

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.

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).

In the case herein, the claimant did not establish the above criteria. The claimant does not qualify for training extension benefits.

DECISION:

The unemployment insurance decision dated August 12, 2010, reference 06, is affirmed. The claimant is not eligible for training extension benefits.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/kjw