

IOWA DEPARTMENT OF INSPECTIONS AND APPEALS
Division of Administrative Hearings
Wallace State Office Building
Des Moines, Iowa 50319

DECISION OF THE ADMINISTRATIVE LAW JUDGE

JOHN VANWARDHUIZEN
513 N. A Street
Albia, IA 52531-1260

Iowa Workforce Development
Deb Shepherd TRA Benefit Coordinator
150 Des Moines Street
Des Moines IA 50309-5563

Dan Anderson, IWD

Appeal Number: 08-IWDUI-118
OC:
Claimant: Appellant (1)
This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to the department. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)
October 22, 2008
(Decision Dated & Mailed)

20 CFR 617.22(6) – Training/Cost Reimbursement

STATEMENT OF THE CASE

Claimant John VanWardhuisen filed an appeal from an Iowa Workforce Development (IWD) decision dated August 20, 2008, denying his request for reimbursement for a tool pouch and a pair of boots under the Trade Adjustment Assistance Reform Act (TAA).

The appeal was heard by telephone conference call on October 6, 2008. Wesley Piner appeared and participated on behalf of Iowa Workforce Development. Official notice was taken of the administrative file. Mr. VanWardhuisen did not appear and the hearing proceeded without him.

FINDINGS OF FACT

Claimant John VanWardhuizen is receiving classroom training under the Trade Adjustment Assistance program (TAA) which benefits workers who have been adversely affected by layoffs. Mr. VanWardhuizen is currently attending Des Moines Area Community College (DMAAC) in the Industrial Electro/Mechanical Program. The syllabus for that course of study includes required materials including a Klein Electrician's tool pouch. The syllabus also states that leather shoes are required.

On September 26, 2007, Mr. VanWardhuizen purchased a pair of boots from G&L Clothing for the amount of \$201.38. He submitted a receipt for the purchase to Iowa Workforce Development and was reimbursed for the boots. Ten months later, on July 21, 2008, Mr. VanWardhuizen purchased another pair of boots from G&L Clothing for the amount of \$190.78. He submitted a receipt for that purchase to Workforce Development for reimbursement.

Additionally, Mr. VanWardhuizen purchased a leather tool pouch from Acme Tools for the amount of \$48.75 on July 11, 2008. He was reimbursed for that expense when he submitted a receipt reflecting the purchase. On September 1, 2008, Mr. VanWardhuizen purchased a second leather electrician's pouch for \$44.49 from Acme Tools. Mr. VanWardhuizen submitted this expense to Workforce Development for reimbursement.

On August 20, 2008, Wesley Piner of the department wrote to Mr. VanWardhuizen to inform him that he would not be reimbursed for the purchase of the second pair of boots and the second tool pouch.

Mr. VanWardhuizen filed this appeal. He stated that his syllabus stated he needed two tool pouches and noted that he had written on his original receipt that he was purchasing one and would need to purchase a second. Additionally, he argued that his first pair of boots were "over one year old and worn out."

CONCLUSIONS OF LAW

The issue is whether the department acted correctly in denying reimbursement for a second pair of boots and a second tool pouch purchased by Mr. VanWardhuizen.

Federal law sets out conditions on approval of training under TAA. One of those conditions is that the training in question is available at a reasonable cost.¹ In determining whether the cost of training is reasonable, consideration must be given to tuition and related expenses such as books, tools and academic fees, transportation expenses and subsistence expense.² Iowa Workforce Development informs classroom training participants that, in order to receive reimbursement, they must submit a copy of their complete syllabus along with receipts to demonstrate the necessity of the purchase.

The syllabus for Mr. VanWardhuizen's course of study includes a requirement for only one tool pouch. Thus, it cannot be said that the department was incorrect in its determination that the cost of a second pouch was not a reasonable training expense.

Further, the syllabus requires only that participants wear leather shoes. Mr. VanWardhuizen had purchased and been reimbursed for a pair of boots. The department's decision that the expense of a second pair of boots ten months later was not reasonable must be affirmed.

1 20 CFR617.22(a)(6).

2 20 CFR 617.22(a)(6)(iii)(A).

DECISION

The decision by IWD to deny reimbursement as outline in its letter of August 20, 2008 is AFFIRMED. Mr. VanWardhuizen is not entitled to reimbursement for the expense of a second tool pouch and a second pair of boots.