

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JONI L NOLLEN

Claimant

APPEAL NO. 11A-EUCU-00823-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 01/24/10

Claimant: Appellant (1)

Iowa Code Section 96.3(5)(b) - Training Extension Benefits

STATEMENT OF THE CASE:

Joni Nollen filed a timely appeal from the November 8, 2011, reference 02, decision that denied training extension benefits effective October 30, 2011. After due notice was issued, a hearing was held on December 6, 2011. Ms. Nollen participated and presented additional testimony through Russell Nollen. Exhibit A was received into evidence. The administrative law judge took official notice of the Agency's administrative record (DBRO) of benefits disbursed to the claimant.

ISSUES:

Whether the claimant is eligible for training extension benefits.

Whether Workforce Development has based the training extension benefits on the correct claim year.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Joni Nollen established an original claim for benefits that was effective January 24, 2010 based on her September 15, 2009 discharge from Des Moines Area Community College. Ms. Nollen had worked at DMACC as a full-time book store specialist/lead cashier coordinator. The employer filled Ms. Nollen's position after she separated from the employment.

In connection with the claim for benefits she established in January 2010, Ms. Nollen received regular unemployment insurance benefits for the 26-week period of January 24, 2010 through July 24, 2010, at which time she had reached her maximum benefit amount. Ms. Nollen then received extended benefits (EUC) for the period of July 25, 2010 through September 17, 2011.

In November 2010, Ms. Nollen started new part-time employment with George White Chevrolet in Ames. Ms. Nollen continued her claim for unemployment insurance benefits, reported her weekly wages, and continued to receive EUC benefits through September 17, 2011. Ms. Nollen voluntarily quit the part-time employment at George White on September 20, 2011.

On November 2, 2011, Ms. Nollen filed an application for Training Extension Benefits (TEB). On November 1, 2011, Ms. Nollen had registered in for two classes at DMACC in Ankeny. The first was a four semester hour word processing class to begin January 9, 2012 and end on May 2, 2012. The second was a three semester hour medical transcription class to begin on January 10, 2012 and end on May 3, 2012.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.3(5)(b) provides:

b. Training Extension Benefits.

(1) An individual 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 at the last place of employment and who is in training with the approval of the director or in a job training program pursuant to the Workforce Investment Act of 1998, Pub. L. No. 105=220, at the time regular benefits are exhausted, may be eligible for training extension benefits.

(2) A declining occupation is one in which there is a lack of sufficient current demand in the individual's labor market area for the occupational skills for which the individual is fitted by training and experience or current physical or mental capacity, and the lack of employment opportunities is expected to continue for an extended period of time, or the individual's occupation is one for which there is a seasonal variation in demand in the labor market and the individual has no other skill for which there is current demand.

(3) The training extension benefit amount shall be twenty-six times the individual's weekly benefit amount and the weekly benefit amount shall be equal to the individual's weekly benefit amount for the claim in which benefits were exhausted while in training.

(4) An individual who is receiving training extension benefits shall not be denied benefits due to application of section 96.4, subsection 3, or section 96.5, subsection 3. However, an employer's account shall not be charged with benefits so paid. Relief of charges under this paragraph "b" applies to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

(5) In order for the individual to be eligible for training extension benefits, all of the following criteria must be met:

(a) The training must be for a high-demand occupation or high-technology occupation, including the fields of life sciences, advanced manufacturing, biotechnology, alternative fuels, insurance, and environmental technology. "High-demand occupation" means an occupation in a labor market area in which the department determines work opportunities are available and there is a lack of qualified applicants.

(b) The individual must file any unemployment insurance claim to which the individual becomes entitled under state or federal law, and must draw any unemployment insurance benefits on that claim until the claim has expired or has been exhausted, in order to maintain the individual's eligibility under this paragraph "b". Training extension benefits end upon completion of the training even though a portion of the training extension benefit amount may remain.

(c) The individual must be enrolled and making satisfactory progress to complete the training.

The evidence in the record establishes that Ms. Nollen is ineligible for TEB benefits for multiple reasons. Ms. Nollen's last place of employment prior to the application for TEB benefits was George White Chevrolet, where she worked as a cashier/receptionist. The employment was not seasonal employment. Ms. Nollen voluntarily separated from that employment. The receptionist/cashier position was not a declining occupation. Ms. Nollen's separation from that employment was not the result of a permanent reduction in operations. If the administrative law judge were to disregard the part-time George White employment and look further back, the involuntary separation from full-time employment at DMACC, this also leaves Ms. Nollen ineligible for TEB benefits. The employment was not seasonal. The employment was not part of a declining occupation. The separation was not pursuant to a permanent reduction in operations.

There is at least one additional reason why Ms. Nollen does not meet the eligibility requirements for TEB benefits. Ms. Nollen was not enrolled in a training program at the time she exhausted regular benefits on July 24, 2010 or at the time she exhausted extended on September 17, 2011. Instead, the college registration did not come until November 1, 2011.

Ms. Nollen is not eligible for training extension benefits.

DECISION:

The Agency representative's November 8, 2011, reference 02, is affirmed. The claimant is not eligible for training extension benefits.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/css