

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AMBER ROWLEY
Claimant

APPEAL NO: 15A-UI-13481-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 08/30/15
Claimant: Appellant (1)**

Section 96.3-5-b – Training Extension Benefits

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated December 3, 2015, reference 04, which held she was not 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 December 30, 2015, before Administrative Law Judge Julie Elder. The claimant participated in the hearing.

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 separated from her full-time employment as a supervisor for Lakes Life Skills in August 2015. Her separation was not from a declining occupation or due to a permanent reduction in operations. She established a claim for benefits during the week of August 30, 2015. The claimant has not yet exhausted her regular unemployment insurance benefits.

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 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, while the claimant meets most of the requirements (1, 3, 5, 6 and 7) for training extension benefits listed above, she does not meet each requirement as is required by law before an individual can be considered eligible for training extension benefits. The claimant was a full-time employee at Lakes Life Skills where she worked as a supervisor with the mentally ill, and her separation was not related to a declining occupation or permanent reduction in operations. Those facts alone unfortunately disqualify the claimant from receiving training extension benefits. Consequently, the administrative law judge must conclude the claimant cannot establish the above criteria. Therefore, she does not qualify for training extension benefits.

DECISION:

The unemployment insurance decision dated December 3, 2015, reference 04, is affirmed. The claimant is not eligible for training extension benefits.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/css