

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

RUTH A BLACK
Claimant

APPEAL NO: 10A-EUCU-00809-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04/05/09
Claimant: Appellant (1)

Section 96.3-5-b – Training Extension Benefits

STATEMENT OF THE CASE:

The claimant appealed a representative's August 24, 2010 decision (reference 04) that denied her request for training extension benefits. A telephone hearing was held on September 25, 2010. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is the claimant eligible for training extension benefits on her April 5, 2009 claim?

FINDINGS OF FACT:

The claimant initially established a claim for benefits during the week of December 23, 2007. She received training extension benefits under this claim year during the weeks ending August 15 through November 7, 2009.

The claimant was determined monetarily eligible to receive regular benefits and established a subsequent benefit year during the week of April 5, 2009. During her base period on this claim she worked part time at Bickford Senior Living and a short time for Elizabeth Gaeta. The claimant exhausted her Emergency Unemployment Compensations benefits on this claim during the week ending June 12, 2010.

The claimant started taking classes at Muscatine Community College the summer of 2009. She plans to graduate the summer of 2010 to work as an LPN or a medical billing and coding specialist. The claimant has satisfactorily completed the courses she has taken. The claimant's training is considered a high demand occupation. She has received Department Approved Training.

REASONING AND CONCLUSIONS OF LAW:

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.

The regulations provide in part that:

Training benefits shall cease to be available if the training is completed; the individual quits the training course; the individual exhausts the training extension maximum benefit amount; or the individual fails to make satisfactory progress; **and benefits shall cease no later than one calendar year following the end of the benefit year in which the individual became eligible for the benefits.** (Emphasis supplied.)

871 IAC 24.40(5).

In accordance with the regulation, the claimant's training benefits for the claim she established the week of December 23, 2007, ended on December 19, 2009. Therefore, she is not currently eligible to receive training extension benefits on her December 23, 2007 claim. The claimant established a subsequent benefit year the week of April 5, 2009. All potential training extension benefits under this claim will end on April 2, 2011. Since this is the claim year in which she may potentially be eligible to receive training extension benefits, the claimant must meet all the eligibility requirements to receive training extension benefits under this claim year.

There are specific requirements a claimant must satisfy to 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).

The employment separation that resulted in the claimant's April 5, 2009 claim was part time, not full time work and was not from a declining occupation. Since the claimant does not meet all the requirements to receive training extension benefits on her April 5, 2009 claim, her most recent request for training extension benefits must be denied.

DECISION:

The representative's August 24, 2010 decision (reference 04) is affirmed. The claimant's request for training extension benefits based on her April 5, 2009 claim is denied because she does not meet all the eligibility requirements to receive training extension benefits.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css