

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

AURORA M ADAMS
Claimant

APPEAL NO: 13A-UI-13139-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04/28/13

Claimant: Appellant (1)

871-IAC 24.40 – Training Extension Benefits

STATEMENT OF THE CASE:

Aurora M. Adams (claimant) appealed a representative's November 19, 2013 decision (reference 03) that concluded she was not eligible for training extension benefits. After a hearing notice was mailed to the claimant, a telephone hearing was held on December 23, 2013. 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 extended benefits (TEB)?

FINDINGS OF FACT:

The claimant established an unemployment insurance claim year effective April 28, 2013, after a separation from Kum & Go, L.C. This employer had been her primary base period employer. She had worked full time as a sales associate at a convenience store for that employer through about November 12, 2012; her employment with that employer ended when the employer sold its location to a new owner and the new owner closed the store. The sales associate position is not identified as a declining occupation.¹ She exhausted regular unemployment benefits October 5, 2013. She began receiving emergency unemployment compensation (EUC) as of October 6, 2013; as of the date of the decision in this matter she had not yet exhausted her eligibility under that program, with a remaining balance of about under \$700.00. The claimant made her application for TEB on October 31, 2013.

¹ <http://www.iowaworkforce.org/trainingextensionbenefits>

The claimant originally started taking classes at Iowa Western Community College to obtain an associate degree in business administration in January 2013; her anticipated graduation date is May 30, 2014. The claimant has not specified a particular target occupation which would be identified as being a high demand occupation.² She has not been granted Department Approved Training (DAT) status for her course of study.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.3-5-b(1) provides training extension benefits for claimants who are in department approved training under specified circumstances. Before a claimant qualifies for training extension benefits the claimant must: 1) be able to meet the minimum requirements for unemployment benefits; 2) establish that 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) show that she is in a job training program that has been approved by the Department; 4) establish that she has exhausted all regular and emergency unemployment benefits; 5) show that she was in the training program at the time regular benefits are exhausted; 6) demonstrate that the training falls under one of the following three categories: a) it must be for a high demand or high technology occupation as defined by the Agency; 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) show that she is enrolled and making satisfactory progress towards completing the training. Iowa Code § 96.3(5)b(5).

The claimant separation prior to establishing her current claim year has not been shown to be from a declining occupation, nor has her target occupation been shown to be for a high demand occupation. Her training program has not been granted Agency approval. She has not yet exhausted her other available benefits. Training extension benefits are denied.

DECISION:

The unemployment insurance decision dated November 19, 2013 (reference 03) is affirmed. The claimant is currently ineligible for training extension benefits.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs

² *Id.*