

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JASON FIGG
Claimant

APPEAL NO: 09A-UI-14507-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 06/28/09
Claimant: Appellant (1)

Iowa Code § 96.3-5-b – Training Extension Benefits

STATEMENT OF THE CASE:

Jason Figg (claimant) appealed an unemployment insurance decision dated September 18, 2009, reference 02, which denied his request 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 October 26, 2009. The claimant participated in the hearing with his wife Tara Figg. Based on the evidence, the arguments of the party, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

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 established a claim for benefits effective December 16, 2007. He began working for the Great Dragon Chinese Restaurant on February 3, 2008 and was let go in August 2008 when the employer no longer needed him. The claimant exhausted his regular unemployment insurance benefits during the week of August 30, 2008. He received Emergency Unemployment Insurance benefits from September 6, 2008 through December 13, 2008.

The claimant was self-employed for several months before he filed a new claim for benefits March 29, 2009. He exhausted his regular benefits during the week of June 20, 2009. He started receiving Emergency Unemployment Insurance benefits on June 27, 2009 and continues to receive benefits through today's date.

The claimant began attending Kirkwood Community College on a full-time basis in August 2009. He is currently enrolled, is making satisfactory progress and has a major in human services.

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 § 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 a declining occupation or the claimant must have been involuntarily separated 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).

In the case herein, the claimant did not establish the above criteria. He was not separated from a declining occupation or due to a permanent reduction of operations and has not been approved by the Department for training. He was not in college when he exhausted his benefits from the claim year ending December 14, 2008 and has not exhausted benefits in his current benefit year. Consequently, the claimant does not qualify for training extension benefits.

DECISION:

The unemployment insurance decision dated September 18, 2009, reference 02, is affirmed. The claimant is not eligible for training extension benefits.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/css