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

LACY J KISCHER
Claimant

APPEAL NO. 12A-UI-11595-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
  DEVELOPMENT DEPARTMENT**

**OC: 11/13/11
Claimant: Appellant (1)**

Section 96.3-5-b – Training Extension Benefits
871 IAC 24.40 – Training Extension Benefits

STATEMENT OF THE CASE:

Lacy J. Kischer filed a timely appeal from an unemployment insurance decision dated September 26, 2012, reference 03, that denied her request for training extension benefits. After due notice was issued, a telephone hearing was held October 9, 2012 with Ms. Kischer participating.

ISSUE:

Is the claimant eligible for training extension benefits?

FINDINGS OF FACT:

Lacy J. Kischer filed an original claim for unemployment insurance benefits effective November 13, 2011. She is enrolled and in training to become a cosmetologist at LaJames International College of Cosmetology. Cosmetology is not listed as a high-demand occupation in the 2006 – 2016 State of Iowa and IWD Region High-Demand Occupations list on the agency's website.

REASONING AND CONCLUSIONS OF LAW:

871 IAC 24.40 provides:

> Training extension benefits.
>
> (1) The purpose of training extension benefits is to provide the individual with continued eligibility for benefits so that the individual may pursue a training program for entry into a high-demand or high-technology occupation. Training extension benefits are available to an individual who was laid off or voluntarily quit with good cause attributable to the individual's employer from full-time employment in a declining occupation or is involuntarily separated from full-time employment as a result of a permanent reduction of operations.

(2) The weekly benefit amount shall be pursuant to the same terms and conditions as regular unemployment benefits and the benefits shall be for a maximum of 26 times the weekly benefit amount of the claim which resulted in eligibility. Both contributory and reimbursable employers shall be relieved of charges for training extension benefits.

(3) The course or courses must be for a high-demand or high-technology occupation. The department will make available to serve as a guide a list of high-demand, high-technology, and declining occupations. The lists shall be available on the department's Web site and workforce centers.

a. High-technology occupations include life sciences, advanced manufacturing, biotechnology, alternative fuels, insurance, environmental technology, and technologically advanced green jobs. A high-technology occupation is one which requires a high degree of training in the sciences, engineering, or other advanced learning area and has work opportunities available in the labor market area or the state of Iowa.

b. A high-demand occupation means an occupation in a labor market area or the state of Iowa as a whole in which the department determines that work opportunities are available.

c. A declining occupation has a lack of sufficient current demand in the individual's labor market area or the state of Iowa for the occupational skills possessed by the individual, and the lack of employment opportunities is expected to continue for an extended period of time.

d. A declining occupation includes an occupation for which there is a seasonal variation in demand in the labor market or the state of Iowa, and the individual has no other skill for which there is a current demand.

e. A declining or high-demand occupation will be determined by using Iowa labor market information for each region in the state.

(4) The individual must be enrolled in the training no later than the end of the benefit year which included the separation which made the individual eligible for training benefits or the week in which any federal benefit program based upon that benefit year is exhausted. Enrolled before the end of the benefit year means the individual has taken all steps available for entry into the training and has secured a reserved position in the training class. The individual has paid tuition or will pay tuition when the training starts. The training class may begin after the end of the benefit year. The application for training benefits must be received 30 days after the end of the benefit year or 30 days after federal benefits are exhausted. The individual must be enrolled and making satisfactory progress to complete the training program in order to continue to be eligible for training extension benefits.

(5) 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. Individuals must file and receive benefits under any federal or state unemployment insurance benefit program until the

claim has expired or has been exhausted, in order to maintain eligibility for training extension benefits.

This rule is intended to implement 2009 Iowa Code Supplement section 96.3(5).

The training extension benefits program offers eligible individuals up to an additional 26 weeks of benefits over and above their regular weeks of unemployment insurance and weeks of Federal Emergency Compensation benefits. In creating the program, the Iowa General Assembly established eligibility criteria. Training must be for a high-technology or high-demand occupation. High-demand occupations are those listed on the agency's website under the heading "2006-2016 State of Iowa and IWD Region High Demand Occupations." Cosmetology is not listed as a high-demand occupation. Because it is not, the claimant's request for training extension benefits must be denied.

DECISION:

The unemployment insurance decision dated September 26, 2012, reference 03, is affirmed. The claimant's request for training extension benefits is denied.

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Dan Anderson
Administrative Law Judge

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Decision Dated and Mailed

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