

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**ALONSO G DEANDAGARCIA**  
Claimant

**APPEAL NO. 11A-UI-02201-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 04/18/10**  
**Claimant: Appellant (2)**

Section 96.3-5-b – Eligibility for Training Extension Benefits

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from a representative's decision dated February 21, 2011, reference 04, that denied the claimant's request for training extension benefits effective February 13, 2011. After due notice was issued, a telephone hearing was held on March 22, 2011. The claimant participated personally. Participating as the official translator was Anna Pottebaum.

**ISSUE:**

At issue is whether the claimant's separation from his most recent employment met the criteria for receiving training extension benefits.

**FINDINGS OF FACT:**

Having considered the evidence in the record, the administrative law judge finds: Alonso Deandagarcia made a request for training extension benefits after exhausting previous unemployment benefits that were available to him. The claimant is enrolled in training to be a welder at the South Sioux City, Nebraska, community college and is making satisfactory progress.

The claimant's most recent employment came to an end when his position at the John Morrell Company was eliminated due to a permanent reduction of operations. Subsequently, the claimant was employed by Cloverleaf Farms as a seasonal worker. His employment with that employer came to an end in September 2010, when he was separated from that seasonal occupation.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge, having heard the testimony of the claimant, concludes that Mr. Deandagarcia was laid off from work that was full-time and thus was involuntarily separated from full-time work. The claimant testified that the John Morrell facility where he was assigned was undergoing a permanent reduction of operations. The claimant further testified that employment that he held with Cloverleaf Farms was seasonal in nature and that that

employment came to an end due to the seasonal nature of the employment in September of 2010.

Iowa Code section 96.3-5-b-1 provides that a person who has been separated from a declining occupation or 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 or in a job training program pursuant to the Workforce Investment Act of 1998, Public Law No. 105-220, at the time regular benefits were 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 were 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; and c) it must be an approved program for GED, and; 7) the claimant must be enrolled and making satisfactory progress toward completing the training. See Iowa Code section 96.3-5-b-5.

In the case herein, the claimant established that he was separated from full-time employment due to a permanent reduction of operations and subsequently was separated from his most recent employment due to a seasonal cessation of operations. Consequently, the claimant does qualify for training extension benefits.

**DECISION:**

The unemployment insurance decision dated February 21, 2011, reference 04, is reversed. The claimant is eligible for training extension benefits.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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