

IOWA DEPARTMENT OF INSPECTIONS AND APPEALS  
Division of Administrative Hearings  
Wallace State Office Building  
Des Moines, Iowa 50319

**Appeal Number: 09-IWDUI-017**  
**OC: 07/20/08**  
**Claimant: Appellant (1)**

DECISION OF THE ADMINISTRATIVE LAW JUDGE

**This Decision Shall Become Final**, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4<sup>th</sup> Floor Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

**RAINER NITSCHKE**  
**220 27<sup>TH</sup> STREET NE**  
**CEDAR RAPIDS IA 52402-4811**

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

**IOWA WORKFORCE DEVELOPMENT**  
**CAROL PAULUS TRA ADMINISTRATOR**  
**150 DES MOINES STREET**  
**DES MOINES IA 50309-5563**

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to the department. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

DAN ANDERSON, IWD

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(Administrative Law Judge)

February 25, 2009

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(Decision Dated & Mailed)

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20 CFR 617.25 – Limitations of Training/Cost Reimbursement

STATEMENT OF THE CASE:

The claimant filed an appeal from an Iowa Workforce Development Department decision dated December 22, 2008, which denied the claimant's reimbursement request for the payment of optional tools in the amount of \$639.92.

A telephone conference hearing was scheduled for February 24, 2009, pursuant to due notice. The claimant participated. Carol Paulus, Trade Act Administrator, and Wes Piner, Clerk Specialist, participated for Iowa Workforce Development (department).

## FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses, and having considered all of the evidence in the record, finds: The claimant filed an unemployment claim with an effective date of July 20, 2008. The claimant's qualifying separation of employment was from Victor Plastics Inc. that occurred on May 8, 2008.

The claimant and other Victor employees participated in an information meeting where department trade act representatives provided them with information regarding TRA benefits. The representatives passed-out information packets that provided an explanation as to the nature and extent of training programs that were available.

The claimant submitted a training plan to the department for a CNC/Machining Technology program at Kirkwood Community College that was approved by the department in early August 2008. The claimant enrolled in the program as a full-time student on August 18, 2008.

The claimant was given a class-work syllabus that contained a list of the "required", and "optional" tools to purchase and use in his training program. The claimant took the tool list to Dubuque Industrial Supply and he acquired both the required and optional tools on the list that cost \$1,174.19 and \$639.92, respectively.

When the department received claimant's request for payment of the tools, it paid the required items, but rejected the optional tools. The department had provided the claimant with packet information regarding classroom training books, supplies and tools that stated:

Due to a reduction in the Trade Act funding, participants will only be allotted a Maximum of \$2,000 for tool purchases. Any receipt submitted for payment must be accompanied by a copy of the complete syllabus indicating purchase is required. If tools are required for the coursework, a copy of the complete syllabus with the required list must be provided (emphasis added).

The claimant failed to note the information packet that contained the explanation as to payment for "required" classroom tools, and make any department inquiry whether he would be reimbursed for optional items. The department has denied payment for the optional tools as they are not required items for the performance of claimant's class-work. The department states that there is no waiver that allows it to use trade act funds for this payment.

## REASONING AND CONCLUSIONS OF LAW:

*The issue is whether the claimant should be reimbursed for the cost paid for the optional tools he acquired as part of his training program.*

### **Sec. 617.25 Limitations on training under Subpart C of this part.**

The second sentence of amended section 236(a)(1) of the Act provides that an adversely affected worker shall be entitled to have payment of the costs of training approved under the Act paid on the worker's behalf, subject, however, "to the limitations imposed by" section 236. The limitations in section 236 which are implemented in this section concern the restrictions on approval of training which are related directly or indirectly to the conditions on training which are approvable or on the funding of training costs.

The department (IWD) provided information to the claimant prior to his beginning his classroom training that it would pay costs for required tools. The fact that the classroom syllabus separated the tool list by "required" and "optional" should have caused the claimant to make an inquiry of the department whether it would reimburse him for all tools, regardless of necessity. The claimant did not do so.

The administrative law judge concludes that the department correctly denied the claimant's request for payment of the "optional" tools he purchased from Dubuque Industrial Supply in the amount of \$639.92, as they are not required for his classroom training program that is a limitation imposed by the department pursuant to the law sections cited above. The department has paid substantial funds for the required tools that have enabled the claimant to due his classroom training, and its denial for the payment of optional tools is within the program limitations allowed by law.

**DECISION:**

The decision of the representative dated December 22, 2009, is **AFFIRMED**. The claimant's request for payment in the amount of \$639.92 for his optional program tool, is **DENIED**.

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