

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

THOMAS R PURCELL
Claimant

APPEAL NO. 12A-UI-10242-H

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 02/20/11
Claimant: Appellant (1)**

Section 96.3(5)b – Training Extension Benefits

STATEMENT OF THE CASE:

The claimant, Thomas Purcell, filed an appeal from a decision dated August 13, 2012, reference 04. The decision allowed him 26 weeks of training extension benefits (TEB). After due notice was issued, a hearing was held in Dubuque, Iowa, on October 23, 2012. The claimant participated on his own behalf.

ISSUE:

The issue is whether the claimant is entitled to TEB for more than 26 weeks.

FINDINGS OF FACT:

Thomas Purcell filed a claim for unemployment benefits with an effective date of February 20, 2011. He applied for and was granted 26 weeks of TEB from August 5, 2012 until February 2, 2013. State law does not allow for more than 26 weeks of TEB.

Mr. Purcell had received another notice from Iowa Workforce Development that he believed to have notified him he could get “up to 52 weeks.” The notice actually informs him that he can apply for TEB up to 52 weeks after the end of his current benefit year.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.3-5 provides:

5. Duration of benefits. The maximum total amount of benefits payable to an eligible individual during a benefit year shall not exceed the total of the wage credits accrued to the individual's account during the individual's base period, or twenty-six times the individual's weekly benefit amount, whichever is the lesser. The director shall maintain a separate account for each individual who earns wages in insured work. The director shall compute wage credits for each individual by crediting the individual's account with one-third of the wages for insured work paid to the individual during the individual's base period. However, the director shall recompute wage credits for an individual who is laid off due to the individual's employer going out of business at the factory, establishment,

or other premises at which the individual was last employed, by crediting the individual's account with one-half, instead of one-third, of the wages for insured work paid to the individual during the individual's base period. Benefits paid to an eligible individual shall be charged against the base period wage credits in the individual's account which have not been previously charged, in the inverse chronological order as the wages on which the wage credits are based were paid. However if the state "off indicator" is in effect and if the individual is laid off due to the individual's employer going out of business at the factory, establishment, or other premises at which the individual was last employed, the maximum benefits payable shall be extended to thirty-nine times the individual's weekly benefit amount, but not to exceed the total of the wage credits accrued to the individual's account.

The claimant is not entitled to more than 26 weeks of TEB under state law. His confusion was a misreading of the previous notice, which informed him of the time limit during which he may apply for TEB. That is, 52 weeks after the end of his current benefit year. The 52 weeks **does not** refer to the maximum number of TEB benefits which he could receive.

DECISION:

The representative's decision of August 13, 2012, reference 04, is affirmed. Thomas Purcell is only eligible for 26 weeks of TEB.

Bonny G. Hendricksmeier
Administrative Law Judge

Decision Dated and Mailed

bgh/kjw