

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building, 4TH Floor
Des Moines, Iowa 50319
eab.iowa.gov**

KIMBERLY J OELMANN

Claimant

: **APPEAL NUMBER:** 23B-UI-00997

: **ALJ HEARING NUMBER:** 23A-UI-00997

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: **EMPLOYMENT APPEAL BOARD
DECISION**

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NOTICE

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT** IS FILED WITHIN **30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.5-3B

DECISION

UNEMPLOYMENT BENEFITS ARE DENIED

The Claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. With the following modification, the administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED** with the following **MODIFICATION**:

The Employment Appeal Board would modify the administrative law judge's Reasoning and Conclusions of Law to correct the following in the third paragraph to read:

After the claimant established the September 19, 2022 original claim, the claimant made weekly claims for each of the 16 weeks between September 18, 2022 and January 21, 2023 and received benefits for each of those weeks. The claimant exhausted regular benefits effective January 21, 2023.

The Employment Appeal Board would modify the administrative law judge's Reasoning and Conclusions of Law by striking the last three sentences of the final paragraph to read:

The claimant is not eligible for Training Extension Benefits. The claimant was involuntary separated, discharged, from a Region 6 declining occupation, Accounting Clerk, but not as a result of a permanent reduction of operations at the last place of employment. Rather, the claimant was discharged for attendance and the employer sought to replace the claimant subsequent to her discharge. The claimant was not in Department Approved Training and was not in a training program pursuant to the Workforce Investment Act of 1998 at the time she exhausted regular benefits. Under the TEB statute, the claimant is not eligible for Training Extension Benefits. The TEB Administrative Code rule uses slightly different wording than the TEB statute. Where there is conflict between the statute and the Administrative Code rule, the statute prevails. ~~Though the claimant separated from a Region 6 declining occupation, the separation was neither a voluntary quit nor layoff. Nor was claimant involuntary separation the result of a permanent reduction in operations. Thus, the claimant is not eligible for TEB under the wording of the statute or the Administrative Code rule.~~

James M. Strohman

Ashley R. Koopmans

Myron R. Linn

SRC/fnv