

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GRETCHEN GIVEN
Claimant

APPEAL NO: 11A-EUCU-00179-ET

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 05-10-09
Claimant: Appellant (1)

Iowa Code Section 96.3-5-b - Training Extension Benefits
871 IAC 24.40 - Training Extension Benefits

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated February 10, 2011, reference 10, which allowed training extension benefits through May 7, 2011. After a hearing notice was mailed to the party's last-known address of record, a telephone hearing was held on March 12, 2011. The claimant participated in the hearing. Based on the evidence, the arguments of the party, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

The issue is whether the claimant is eligible to receive training extension benefits?

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant involuntarily separated from her last employer in January 2009, due to lack of work. She established a claim for benefits during the week of May 10, 2009, and was approved for training extension benefits from February 6, 2011 through May 7, 2011. Training extension benefits are no longer available after May 7, 2011.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether the claimant qualifies for training extension benefits. For the reasons that follow the administrative law judge concludes the claimant is not eligible to receive training extension benefits.

Iowa Code section 96.3-5-b(1) provides that training extension benefits are available to an individual: (1) who meets the minimum eligibility requirements for unemployment benefits; (2) who is separated from a declining occupation or who has been involuntarily separated from employment as a result of a permanent reduction of operations; and (3) who is in training with the approval of the director (DAT training) or in a job training program pursuant to the Workforce Investment Act of 1998, Pub. L. No. 105-220, (WIA training) at the time regular benefits are

exhausted. 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. 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. 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

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. Iowa Workforce will make available a general list of high-demand, high-technology, and declining occupations. The lists shall be available on the department's web site and workforce centers. However, 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. 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.

The intent of 871 IAC 24.40 is to implement the 2009 Iowa Code Supplement section mentioned above. 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 that resulted in eligibility. Training benefits shall cease to be available if: (1) the training is completed; (2) the individual quits the training course; (3) the individual exhausts the training extension maximum benefit amount; or (4) the individual fails to make satisfactory progress. Additionally, 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.

According to 871 IAC 24.40(5), training extension benefits are not available to an individual after one year has elapsed since the end of the benefit year in which the individual became eligible for the benefits. The evidence in the record establishes that the claimant became eligible for benefits during a benefit year that ended May 9, 2010. The rule cited above requires that the training extension benefits be used no later than May 7, 2011. The application must be denied because of the length of time that has elapsed since the claimant's benefit year ended on May 9, 2010.

DECISION:

The unemployment insurance decision dated February 10, 2011, reference 10, is affirmed. The claimant is eligible for training extension benefits through May 7, 2011 but not after that date.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

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