

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KELLY HEALY
Claimant

APPEAL NO: 12A-UI-09900-BT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 06/19/11
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

Kelly Healy (claimant) appealed an unemployment insurance decision dated August 7, 2012, reference 05, which denied her request for training extension benefits. After a hearing notice was mailed to the party's last-known address of record, a telephone hearing was held on September 13, 2012. 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 was discharged from her employer on May 5, 2011. She established a claim for benefits during the week of June 19, 2011 and her weekly benefit amount was \$270.00. The claimant exhausted her regular unemployment insurance benefits during the week of October 15, 2011. She received Emergency Unemployment Insurance benefits from October 22, 2011 to November 5, 2011 when she began work for a new employer.

The claimant worked from November 1, 2011 through June 22, 2012 when she was discharged for poor performance. She filed a new claim June 23, 2012 and her weekly benefit amount was now \$193.00. The claimant filed for weekly benefits and was paid emergency benefits at the higher rate from June 3, 2012 through September 1, 2012. She began receiving regular benefits at the reduced rate as of September 8, 2012 and continues to receive benefits.

The claimant began school on August 21, 2012.

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 § 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 above-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.

In the case herein, the claimant did not establish the above criteria. She was not separated from a declining occupation or due to a permanent reduction of operations and was not in the training program at the time regular benefits were exhausted. Consequently, the claimant does not qualify for training extension benefits.

DECISION:

The unemployment insurance decision dated August 7, 2012, reference 05, is affirmed. The claimant is not eligible for training extension benefits.

Susan D. Ackerman
Administrative Law Judge

Decision Dated and Mailed

sda/css