

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**MELISSA A KOLPIN**  
Claimant

**APPEAL 16A-UI-06602-JP-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 10/25/15  
Claimant: Appellant (1)**

Iowa Code § 96.3(5)b – Training Extension Benefits  
Iowa Admin. Code r. 871-24.40 – Training Extension Benefits

**STATEMENT OF THE CASE:**

Claimant appealed the June 9, 2016 (reference 04) unemployment insurance decision that denied training extension benefits. After due notice was issued, a telephone hearing was held on June 29, 2016. Claimant participated. Claimant exhibits A and B were admitted into evidence with no objection.

**ISSUE:**

Is the claimant eligible to receive training extension benefits (TEB)?

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: Claimant was involuntarily separated from full-time employment as a human resources coordinator at Intoxalock, not in a declining occupation or because of a permanent reduction of operations. Claimant resides in Region 11. Claimant was discharged by the employer on October 27, 2015. Claimant filed a claim for benefits with an effective date of October 25, 2015. Claimant has exhausted all benefit payments. The application for TEB was submitted after she exhausted her unemployment insurance benefits. Claimant submitted her application within thirty days of exhausting her unemployment insurance benefits. In the Fall 2016, claimant will start school at Des Moines Area Community College (DMACC) to begin classes to obtain a degree in Respiratory Therapy. Claimant Exhibit B. Claimant is currently applying for financial aid and grants and has not paid for any of the classes but she is enrolled. Claimant Exhibit B. Claimant expects to complete her training in the Fall semester of 2019.

Claimant was employed at Intoxalock. In June 2015, Tiffany Riffle became claimant's manager. Claimant believes that Ms. Riffle stayed on in the human resources department. The employer discharged claimant on October 27, 2015. Claimant had been working in the human resources department for eleven years. The employer told claimant: "The expectations of the Human Resources Department have been evaluated and re-determined. In doing so, we have come to the conclusion that you are not able to meet these new expectations and we are going to have

to end your employment as of today." Claimant Exhibit A. The employer did not eliminate the human resources department. The employer was located in Des Moines, Iowa.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow the administrative law judge concludes claimant is not eligible to receive training extension benefits.

Iowa Code § 96.3(5)a-b provides:

a. 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.

b. Training Extension Benefits.

(1) An individual who has been separated from a declining occupation or who has been involuntarily separated from employment as a result of a permanent reduction of operations at the last place of employment and who is in training with the approval of the director or in a job training program pursuant to the Workforce Investment Act of 1998, Pub. L. No. 105-220, at the time regular benefits are exhausted, may be eligible for training extension benefits.

(2) A declining occupation is one in which there is a lack of sufficient current demand in the individual's labor market area for the occupational skills for which the individual is fitted by training and experience or current physical or mental capacity, and the lack of employment opportunities is expected to continue for an extended period of time, or the individual's occupation is one for which there is a seasonal variation in demand in the labor market and the individual has no other skill for which there is current demand.

(3) The training extension benefit amount shall be twenty-six times the individual's weekly benefit amount and the weekly benefit amount shall be equal to the individual's weekly benefit amount for the claim in which benefits were exhausted while in training.

(4) An individual who is receiving training extension benefits shall not be denied benefits due to application of § 96.4, subsection 3, or § 96.5, subsection 3. However, an employer's account shall not be charged with benefits so paid. Relief of charges under this paragraph "b" applies to both contributory and reimbursable employers, notwithstanding § 96.8, subsection 5.

(5) In order for the individual to be eligible for training extension benefits, all of the following criteria must be met:

(a) The training must be for a high-demand occupation or high-technology occupation, including the fields of life sciences, advanced manufacturing, biotechnology, alternative fuels, insurance, and environmental technology. "High-demand occupation" means an occupation in a labor market area in which the department determines work opportunities are available and there is a lack of qualified applicants.

(b) The individual must file any unemployment insurance claim to which the individual becomes entitled under state or federal law, and must draw any unemployment insurance benefits on that claim until the claim has expired or has been exhausted, in order to maintain the individual's eligibility under this paragraph "b". Training extension benefits end upon completion of the training even though a portion of the training extension benefit amount may remain.

(c) The individual must be enrolled and making satisfactory progress to complete the training.

Iowa Admin. Code r. 871-24.40 provides:

Training extension benefits.

(1) 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. Training extension benefits are available to an individual who was laid off or voluntarily quit with good cause attributable to the individual's employer from full-time employment in a declining occupation or is involuntarily separated from full-time employment as a result of a permanent reduction of operations.

(2) 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 which resulted in eligibility. Both contributory and reimbursable employers shall be relieved of charges for training extension benefits.

(3) The course or courses must be for a high-demand or high-technology occupation. The department will make available to serve as a guide a list of high-demand, high-technology, and declining occupations. The lists shall be available on the department's Web site and workforce centers.

a. High-technology occupations include life sciences, advanced manufacturing, biotechnology, alternative fuels, insurance, environmental technology, and technologically advanced green jobs. 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.

b. 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.

c. 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.

d. 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.

e. A declining or high-demand occupation will be determined by using Iowa labor market information for each region in the state.

(4) 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. Enrolled before the end of the benefit year means the individual has taken all steps available for entry into the training and has secured a reserved position in the training class. The individual has paid tuition or will pay tuition when the training starts. The training class may begin after the end of the benefit year. The application for training benefits must be received 30 days after the end of the benefit year or 30 days after federal benefits are exhausted. The individual must be enrolled and making satisfactory progress to complete the training program in order to continue to be eligible for training extension benefits.

(5) Training benefits shall cease to be available if the training is completed; the individual quits the training course; the individual exhausts the training extension maximum benefit amount; or the individual fails to make satisfactory progress; and 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. Individuals must file and receive benefits under any federal or state unemployment insurance benefit program until the claim has expired or has been exhausted, in order to maintain eligibility for training extension benefits.

This rule is intended to implement 2009 Iowa Code Supplement § 96.3(5).

Claimant does not meet the eligibility requirements for unemployment benefits because she is not separated from a declining occupation or permanent reduction of operations. Claimant was discharged after the employer determined she was "not able to meet [its] new expectations[.]" Claimant Exhibit A. No evidence was presented that claimant's separation was because of a permanent reduction in operations. Claimant Exhibit A. Furthermore, human resources coordinator is not a declining occupation in Region 11. Therefore, while claimant's desire for additional education is understandable and admirable, training extension benefits must be denied.

**DECISION:**

The June 9, 2016 (reference 04) unemployment insurance decision is affirmed. Claimant is not eligible to receive training extension benefits.

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Jeremy Peterson  
Administrative Law Judge

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Decision Dated and Mailed

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