

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHEILA M VONTALGE
Claimant

APPEAL NO: 16A-UI-09782-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 05/01/16
Claimant: Appellant (1)

Iowa Code § 96.3-5-b – Training Extension Benefits

STATEMENT OF THE CASE:

Claimant appealed an unemployment insurance decision dated August 31, 2016, reference 05, which denied his 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 23, 2016. Claimant participated. 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 separated from her employer on May 3, 2016. She established a claim for benefits during the week of May 1, 2016. The claimant exhausted her regular unemployment insurance benefits during the week of August 21, 2016. Claimant worked full time as the loss prevention manager for Sportsmen's Warehouse.

Claimant was terminated from her position for excessive absences, although they were properly reported. Claimant's job has since been filled, and Sportsmen's Warehouse continues in its operation. Claimant stated that she attempted to move to a part time position in the same role, as that position had existed in the past, but employer no longer had that position.

Claimant is now taking six hours of general study classes at DMACC online. She believes that an associate's degree in general studies will be useful in her job search as her criminal justice associate's degree has not yielded employment.

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 a person 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 and 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, may be eligible for training extension benefits.

There are specific requirements before a claimant may qualify for training extension benefits: 1) The claimant must meet the minimum requirements for unemployment benefits; 2) the claimant's separation must have been from a declining occupation or the claimant must have been involuntarily separated due to a permanent reduction of operations; 3) the claimant must be in a job training program that has been approved by the Department; 4) the claimant must have exhausted all regular and emergency unemployment benefits; 5) the claimant must have been in the training program at the time regular benefits are exhausted; 6) the training must fall under one of the following three categories: a) it must be for a high demand or high technology occupation as defined by Iowa Workforce Development; b) it must be for a high-tech occupation or training approved under the Workforce Investment Act (WIA); c) it must be an approved program for a GED; and 7) the claimant must be enrolled and making satisfactory progress towards completing the training. Iowa Code § 96.3-5-b(5).

In the case herein, the claimant did not establish the above criteria. The claimant was terminated from her full-time position as a loss prevention manager. The position still exists, it is not a declining occupation, and the employer is still in business. The claimant does not qualify for training extension benefits.

DECISION:

The unemployment insurance decision dated August 31, 2016, reference 05, is affirmed. The claimant is not eligible for training extension benefits.

Blair A. Bennett
Administrative Law Judge

Decision Dated and Mailed

bab/pjs