

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JENNIFER A NORMINGTON
Claimant

APPEAL NO: 12A-UI-07857-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/03/10
Claimant: Appellant (1-R)**

Section 96.3-5-B – Training Extension Benefits
871 IAC 24.40b – High Demand Occupation

STATEMENT OF THE CASE:

The claimant appealed a department representative's June 22, 2012 decision, reference 03, that denied her request for extension benefits. A telephone hearing was held on July 18, 2012. The claimant participated.

ISSUE:

Whether the claimant is eligible for training extension benefits.

FINDINGS OF FACT:

The claimant filed an unemployment claim effective January 3, 2010. She submitted an application for training extension benefits on or about June 4, 2012. The application states claimant's occupational goal is graphic design/marketing. She is enrolling at NEICC for a graphic design program for the period from May 16, 2012 to May 15, 2014. She is seeking an associate degree in Graphic Design.

The department notes on the application claimant is denied because the occupational goal is not on the high demand list. Claimant lives and is pursuing her education in Dubuque County, Iowa that is Region 1. The Occupational (long-list) does not include graphic design as a high demand/salary occupation but it is included on the department web site for Region 1 Hot Jobs for the December 2011 list. The department did grant claimant Division Approved Training by a decision dated June 8, 2012, reference 02.

REASONING AND CONCLUSIONS OF LAW:

871 IAC 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 section 96.3(5).

The administrative law judge concludes the issue whether claimant is eligible for training extension benefits effective June 3, 2012 is remanded for further review.

While the department high demand occupational goal list on its website does not include graphic design the Region 1 (where claimant lives and is pursuing her education) does list this as a high demand and salary occupation on its website for Hot Jobs December 2011. Claimant is requesting that a further department review be made on this matter to determine whether she is eligible for training extension benefits.

The department should notify claimant in writing within the 15-day appeal period of this decision should it determine claimant is not eligible with the stated reason in order to give her an opportunity to appeal. If the department does determine she is eligible, it should issue a new decision.

DECISION:

The department representative's June 22, 2011 decision, reference 03, is affirmed and remanded for further review as to whether claimant is eligible to receive training extension benefits.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/css