

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

ISRAEL S PETTINGER
Claimant

APPEAL NO. 10A-UI-17813-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 09/12/10
Claimant: Appellant (4)

Iowa Code § 96.3(5)b – Training Extension Benefits

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's December 21, 2010 determination (reference 04) that denied his request for training extension benefits as of December 12. The claimant responded to the hearing notice but was not available for the hearing. Ninety minutes after the scheduled hearing, the claimant called the Appeals Section and requested that the hearing be reopened. Based on the administrative record, the arguments of the claimant, and the law, the administrative law judge denies the claimant's request to reopen the hearing, but holds him potentially eligible to receive training extension benefits after he exhausts his Emergency Unemployment Compensation benefits.

ISSUE:

Is the claimant eligible to receive training extension benefits?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of September 12, 2010. The claimant enrolled at Full Sail University to obtain a Bachelor of Science degree in music production. The claimant started this training on November 22, 2010. He anticipates he will graduate in July 2013. Before the claimant enrolled, his local Workforce office informed him that this course of study was considered a high-demand job. One of the claimant's friends, who started the same training, was found eligible to receive training extension benefits. The claimant's course of study includes training on many computer programs, learning how to create video games, and web designs.

As of the date of this decision, the claimant has not exhausted his Emergency Unemployment Compensations benefits.

The claimant responded to the hearing notice by contacting the Appeals Section before the scheduled hearing. The claimant was called for the scheduled hearing, but he did not answer. The claimant responded to the message left by the administrative law judge 90 minutes later. The claimant had been up late the night before finishing homework and overslept. The claimant requested that the hearing be reopened.

REASONING AND CONCLUSIONS OF LAW:

If a party responds to a hearing notice after the record has been closed and the party who participated at the hearing is no longer on the line, the administrative law judge can only ask why the party responded late to the hearing notice. If the party establishes good cause for responding late, the hearing shall be reopened. The rule specifically states that failure to read or follow the instructions on the hearing notice does not constitute good cause to reopen the hearing. 871 IAC 26.14(7)(b) and (c).

While the administrative law judge understands why the claimant inadvertently overslept, he did not establish good cause to reopen the hearing. The claimant's request to reopen the hearing is denied.

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 full time work in a declining occupation or the claimant must have been involuntarily separated from full time work 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.

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. 871 IAC 24.40(1).

The representative denied the claimant training extension benefits on the basis that his course of study was not a high-demand or high-technology occupation or a job training program authorized under the Workforce Investment Act of 1998 (WIA) or he failed to apply and be enrolled in the training no later than the end of the benefit year. The evidence establishes the claimant timely applied and enrolled at Full Sail University for his chosen course of study. The claimant also established that the training he is pursuing is a high-demand and high-technology occupation. The claimant has satisfied this eligibility requirement to receive training extension benefits.

As of December 12, 2010, and the date of this decision, the claimant is not eligible to receive training extension benefits, because he has not yet exhausted his Emergency Unemployment Compensation funds. When he does, he can again request training extension benefits so the Department can determine if he has met all other eligibility requirements to receive training extension benefits, which include the reasons for his employment separation and if he is making satisfactory progress in his training.

DECISION:

The claimant's request to reopen the hearing is denied. The representative's December 21, 2010 determination (reference 04) is modified in the claimant's favor. The claimant established his course of study meets the requirements to receive training extension benefits. Since the claimant has not exhausted his Emergency Unemployment Compensation benefits, when these benefits have been exhausted he can again request training benefits. At that time, the Department can again review the claimant's situation to determine if he meets all other eligibility requirements to receive training extension benefits.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw