

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DANIELLE L ROBINSON
Claimant

APPEAL NO. 14A-UI-03709-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 01/20/13
Claimant: Appellant (1)

Iowa Code Section 96.3(5)(b) - Training Extension Benefits

STATEMENT OF THE CASE:

Danielle Robinson filed a timely appeal from the March 28, 2014, reference 07, decision that denied her request for training extension benefits effective January 19, 2014 based on an agency conclusion that she was monetarily eligible for regular benefits effective January 19, 2014. After due notice was issued, a hearing was held on April 28, 2014. Ms. Robinson participated. The hearing in this matter was consolidated with the hearing in Appeal Number 14A-UI-03710-JTT. Exhibit A and Department Exhibits D-1 and D-2 were received into evidence.

ISSUE:

Whether the claimant is eligible for training extension benefits effective January 19, 2014.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Danielle Robinson established a claim for benefits that was effective January 20, 2013 and received benefits that included \$1,566.00 in training extension benefits for the nine-week period of January 19, 2014 through March 22, 2014. Ms. Robinson's claim year expired on January 18, 2014. On January 19, 2014, Ms. Robinson became monetarily eligible for regular benefits in connection with a new claim year.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.3-5-b provides:

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 section 96.4, subsection 3, or section 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 section 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.

[Emphasis added.] Because Ms. Robinson became monetarily eligible for regular benefits in connection with a new claim year that started for her on January 19, 2014, she no longer met the eligibility requirements concerning training extension benefits. Training extension benefits are denied effective January 19, 2014. Ms. Robinson was not eligible for the \$1,566.00 in training extension benefits she received for the nine-week period of January 19, 2014 through March 22, 2014.

DECISION:

The claims deputy's March 28, 2014, reference 07, decision is affirmed. The claimant was monetarily eligible for regular benefits in connection with a new claim year that started for her on January 19, 2014. Effective January 19, 2014, the claimant no longer met the eligibility requirements concerning training extension benefits. Training extension benefits are denied effective January 19, 2014. The claimant was not eligible for the \$1,566.00 in training extension benefits she received for the nine-week period of January 19, 2014 through March 22, 2014.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/pjs