

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KAREN K SMITH
Claimant

APPEAL NO: 14A-UI-04507-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 04/21/13
Claimant: Appellant (1)**

871-IAC 24.40 – Training Extension Benefits

STATEMENT OF THE CASE:

Karen K. Smith (claimant) appealed a representative's April 24, 2014 decision (reference 06) that concluded she was not eligible for training extension benefits. After a hearing notice was mailed to the claimant, a telephone hearing was held on June 3, 2014. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is the claimant eligible for training extended benefits (TEB)?

FINDINGS OF FACT:

The claimant established an unemployment insurance claim year effective April 21, 2013, after a separation from TransAmerica Life Insurance. This employer had been her primary base period employer. She had worked part time as a customer service representative through about April 19, 2013. As determined in a representative's decision issued on May 13, 2014 (reference 01), she voluntarily quit that employment for a non-work-related medical issue. The insurance customer service representative position is not identified as a declining occupation; in fact, customer service representatives are identified as high demand occupations (category 43-4051).¹ She received unemployment insurance benefits through the expiration of her claim year effective April 19, 2014. The claimant made her application for TEB on April 22, 2014.

The claimant originally started taking classes to become a LAN manager at Kirkwood Community College in 2011; as of the completion of her TEB application, her anticipated graduation date is December 31, 2015. Computer professionals of virtually all varieties are identified as being a high demand occupation.² She was first authorized for Department Approved Training (DAT) status effective early January 2014.

¹ <http://www.iowaworkforce.org/trainingextensionbenefits>

² *Id.*

REASONING AND CONCLUSIONS OF LAW:

Iowa Code § 96.3-5-b(1) provides training extension benefits for claimants who are in department approved training under specified circumstances. Before a claimant qualifies for training extension benefits the claimant must: 1) be able to meet the minimum requirements for unemployment benefits; 2) establish that 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) show that she is in a job training program that has been approved by the Department; 4) establish that she has exhausted all regular and emergency unemployment benefits; 5) show that she was in the training program at the time regular benefits are exhausted; 6) demonstrate that the training falls under one of the following three categories: a) it must be for a high demand or high technology occupation as defined by the Agency; 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) show that she is enrolled and making satisfactory progress towards completing the training. Iowa Code § 96.3(5)b(5).

The claimant separation prior was not from a declining occupation or due to an involuntary separation due to a permanent reduction of operations, and was not from full-time employment. While the claimant satisfies some of the other criteria, she does not satisfy criteria (2), and all criteria must be met. Training extension benefits are denied.

DECISION:

The unemployment insurance decision dated April 24, 2014 (reference 06) is affirmed. The claimant is ineligible for training extension benefits.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs