

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

WHEATEN MATHER
Claimant

APPEAL 21A-UI-05191-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 07/12/20
Claimant: Appellant (1)

PL 116-136 Section 2107– Federal Pandemic Emergency Unemployment Compensation

STATEMENT OF THE CASE:

The claimant/appellant filed a timely appeal from the February 3, 2021 unemployment insurance decision that denied Federal Pandemic Emergency Unemployment Compensation (PEUC) benefits effective January 10, 2021 because the claimant would be monetarily eligible for benefits in the State of Michigan. The claimant was properly notified of the hearing. A telephone hearing was held on April 20, 2021. The claimant participated personally. The record was left open for the claimant to submit additional documentation for the record. Claimant's Exhibits A through D were admitted. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records.

ISSUE:

Is the claimant eligible for Federal PEUC benefits in Iowa effective January 10, 2021?

FINDINGS OF FACT:

Having heard the testimony and considered all of the evidence in the record, the administrative law judge finds: The claimant filed an initial claim for regular unemployment insurance benefits funded by the State of Iowa with an effective date of July 14, 2019. He exhausted his maximum benefit amount for regular unemployment insurance benefits during the week -ending January 25, 2020. Claimant then received PEUC benefits through the week-ending July 11, 2020. Claimant filed another original claim effective July 12, 2020 and received regular unemployment insurance benefits from July 12, 2020 through January 9, 2021, when he exhausted his maximum benefit amount. As of January 10, 2021, claimant was found to have wages in Michigan that appeared to make him monetarily eligible for regular unemployment insurance benefits in that state, instead of receiving PEUC benefits in Iowa.

Claimant was paid insured wages from two separate employers in Michigan. Claimant's administrative records establish that he was paid wages from Brunsch and Sons LLC and from Sporcle, Inc. Claimant's administrative records establish that he was paid insured wages of \$2,241.00 from Brunsch and Sons LLC in the first quarter of 2020 and \$488.00 from Sporcle, Inc. in the first quarter of 2020. Claimant's administrative records establish that he was paid

insured wages of \$3,975.00 from Brunsch and Sons LLC in the second quarter of 2020 and \$50.00 from Sporcle, Inc. in the second quarter of 2020.

Michigan requires a claimant to have at least one quarter of earnings equal to or in excess of \$3,744.00 in insured wages during their base period in order to be monetarily eligible for benefits. See Exhibit B. The standard base period in Michigan is the first four of the last five completed calendar quarters prior to when the claimant filed a claim. See Exhibit B. A Michigan claimant is also required to have wages in at least two calendar quarters in their base period; and the total base period wages must equal 1.5 times the highest quarter wages. See Exhibit B.

Claimant's W-2 tax form from Brunsch & Sons for the 2020 calendar year establishes that he was paid wages of \$6,217.52. See Exhibit D. Claimant's paystubs from Brunsch & Sons LLC establish year to date earnings paid to the claimant of \$665.63 as of March 3, 2020. See Exhibit C. Claimant's paystubs show that during the pay period ending March 31, 2020, the claimant had earned \$2,679.03; however, he was not paid those wages until the paycheck dated April 7, 2020. See Exhibit C. Claimant's last paystub as part of Exhibit C includes the pay period ending May 12, 2020; which was paid on May 19, 2020. Claimant's employment with Brunsch & Sons LLC ended during the pay period of June 2, 2020. See Exhibit C. Claimant calculated total 2020 earnings with Brunsch & Sons LLC of \$6,218.00 instead of the \$6,216.00 reported on his administrative records. See Exhibit C. Claimant has received no documentation from the State of Michigan that he is not monetarily eligible for benefits in that state at this time.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes the claimant is not eligible for Federal PEUC benefits in Iowa effective January 10, 2021.

Section 2107 of the CARES Act creates a new temporary federal program called Pandemic Emergency Unemployment Compensation (PEUC) that provides up to 13 additional weeks of benefits to individuals who have exhausted their regular unemployment compensation entitlement and also provides funding to states to administer the program.

On March 22, 2021, the President signed the American Rescue Plan Act of 2021 (ARPA) into law. Among other things, ARPA extended the PEUC program through weeks of unemployment ending on or before September 6, 2021.

PL 116-136 Sec 2107 provides in pertinent part:

PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) FEDERAL-STATE AGREEMENTS. —

(1) IN GENERAL. — Any State which desires to do so may enter into and participate in an agreement under this section with the Secretary of Labor (in this section referred to as the "Secretary"). Any State which is a party to an agreement under this section may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(2) PROVISIONS OF AGREEMENT. —

Any agreement under paragraph (1) shall provide that the State agency of the State will make payments of pandemic emergency unemployment compensation to individuals who—

(A) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before July 1, 2019);

(B) have no rights to regular compensation with respect to a week under such law or **any other State unemployment compensation law** or to compensation under any other Federal law;

(C) are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

(D) are able to work, available to work, and actively seeking work.

(emphasis added).

In Iowa, monetary eligibility is based upon wages the individual has been **paid for** insured work in the base period. While the claimant may have earned wages in one quarter, it is possible that they were actually paid wages in another quarter.

Iowa Code section 96.4(4)a provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

a. The individual has been **paid wages** for insured work during the individual's base period in an amount at least one and one-quarter times the wages paid to the individual during that quarter of the individual's base period in which the individual's wages were highest; provided that the individual has been paid wages for insured work totaling at least three and five-tenths percent of the statewide average annual wage for insured work, computed for the preceding calendar year if the individual's benefit year begins on or after the first full week in July and computed for the second preceding calendar year if the individual's benefit year begins before the first full week in July, in that calendar quarter in the individual's base period in which the individual's wages were highest, and the individual has been paid wages for insured work totaling at least one-half of the amount of wages required under this paragraph in the calendar quarter of the base period in which the individual's wages were highest, in a calendar quarter in the individual's base period other than the calendar quarter in which the individual's wages were highest. The calendar quarter wage requirements shall be rounded to the nearest multiple of ten dollars.

This is the case for Michigan wages as well.

Section 421.46(b) of the Michigan Employment Security Act states in pertinent part:

For benefit years beginning on or after October 1, 2020, "benefit year" means the period of 52 consecutive calendar weeks beginning the first calendar week in which an individual file a claim in accordance with section 32. However, a benefit year shall not be established unless the individual meets either of the following conditions:

- (1) The total wages **paid to the individual** in the base period of the claim equals not less than 1.5 times the **wages paid to the individual** in the calendar quarter of the base period in which the individual was paid the highest wages.
- (2) The individual was paid wages in 2 or more calendar quarters of the base period totaling at least 20 times the state average weekly wages as determined by the unemployment agency.

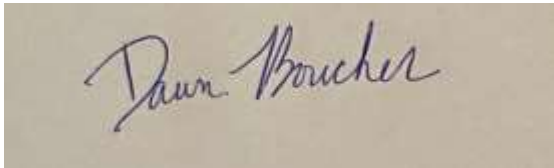
(emphasis added).

In this case, the claimant appears to be monetarily eligible for regular unemployment insurance benefits in the State of Michigan effective January 10, 2021 based upon his administrative records showing the **wages paid** in the first and second quarter of 2020. As such, the claimant does not meet the eligibility requirements for PEUC benefits in Iowa effective January 10, 2021.

Note to Claimant: The claimant may contact Iowa Workforce Development Benefits Bureau if he receives a written documentation that he is not monetarily eligible for regular unemployment insurance benefits in the State of Michigan effective January 10, 2021 or thereafter.

DECISION:

The February 3, 2021 (reference 01) unemployment insurance decision denying PEUC benefits in Iowa effective January 10, 2021 is affirmed. The claimant is not eligible for PEUC benefits in Iowa as he appears to be monetarily eligible for regular unemployment insurance benefits in the State of Michigan.



Dawn Boucher
Administrative Law Judge

April 28, 2021
Decision Dated and Mailed

db/ol

Note to Claimant

This decision determines you are not eligible for PEUC benefits in Iowa. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. You may qualify for benefits under the Federal Pandemic Unemployment Assistance ("PUA") section of the Coronavirus Aid, Relief, and Economic Security Act ("Cares Act") that discusses eligibility for claimants who are unemployed due to the Coronavirus.

You will need to apply for PUA to determine your eligibility under the program.

For additional information on how to apply for PUA go to: <https://www.iowaworkforcedevelopment.gov/pua-information>.