

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

YVONNE F SCHLUETER PROMES
Claimant

APPEAL NO. 08A-EUCU-00003-NT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07/22/07 R: 12
Claimant: Appellant (1)**

Section 96.19(20) – Emergency Unemployment Compensation Qualifications

STATEMENT OF THE CASE:

The claimant filed an appeal from a representative's decision dated August 19, 2008, reference 03, which held the claimant not eligible for Emergency Unemployment Compensation (EUC) on her Iowa unemployment insurance claim effective July 6, 2008, because the claimant had an existing unemployment insurance claim effective April 13, 2008, in the State of Nebraska. After due notice was issued, a telephone conference hearing was conducted on September 4, 2008. The claimant participated and testified.

ISSUE:

At issue in this matter is whether the claimant is eligible for Emergency Unemployment Compensation benefits through the State of Iowa while having an existing unemployment insurance claim in another state.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all the evidence in the record, finds: The claimant had previously exhausted her unemployment insurance claim in the State of Iowa and opened a claim in the State of Nebraska, where unemployment insurance benefits were available to her based upon employment in that state. Subsequently, the claimant received notification from the State of Iowa regarding potential eligibility to receive benefits under the Emergency Unemployment Compensation Act. Although Ms. Schlueter Promes did not intend to open a claim, she called her area claims center for more information. Inadvertently, the claimant was paid four weeks' Emergency Unemployment Compensation benefits in the amount of \$1,492.00, which were direct deposited into the claimant's bank account. When the claimant became aware that the funds had been deposited, she attempted to contact Iowa Workforce Development for the purpose of indicating that she had not claimed benefits and, in addition, to inform Workforce Development that she felt she was not eligible, as she had an existing Nebraska claim.

REASONING AND CONCLUSIONS OF LAW:

The purpose of the Emergency Unemployment Compensation program is to provide up to 13 weeks of federally financed benefits to individuals who have had an unemployment insurance claim that expired after May 1, 2007, and who have exhausted their regular benefits. In order to be eligible for benefits, claimants must have exhausted benefits or their benefit year must have expired and they cannot be eligible for a second benefit year or monetarily eligible on a new claim or eligible in another state or in Canada. The Supplemental Appropriations Act of 2008, Title IV, Public Law 110-252.

Having reviewed all the evidence in the record, the administrative law judge concludes that Ms. Schlueter Promes did not intentionally attempt to claim benefits in both the State of Iowa and the State of Nebraska. As the claimant has an existing claim in the State of Nebraska, the claimant cannot be considered as an "exhaustee" under the Iowa Employment Security Law and therefore is not eligible to receive Emergency Unemployment Compensation benefits.

DECISION:

The representative's decision dated August 19, 2008, reference 03, is affirmed. The claimant is not eligible to receive Emergency Unemployment Compensation benefits, because the claimant has an existing unemployment insurance claim in another state.

Terence P. Nice
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw