

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KRISTIN R STEWART
Claimant

APPEAL NO. 11A-UI-02897-LT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 08/30/09
Claimant: Appellant (2)**

Iowa Code § 96.19(20) – Exhaustee
Public Law 110-252 – Emergency Unemployment Compensation

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the March 4, 2011 (reference 04) decision that denied benefits. After due notice was issued, a hearing was scheduled to be held on April 4, 2011. Because the issue appealed was resolved administratively in claimant's favor (see the reference 06 representative's decision), no testimony is necessary and no hearing will be held.

ISSUE:

The issue is whether claimant is eligible for EUC benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant is eligible for EUC benefits.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is eligible for EUC benefits.

Iowa Code § 96.19(20) provides:

(20) "*Exhaustee*" means an individual who, with respect to any week of unemployment in the individual's eligibility period has received, prior to such week, all of the regular benefits that were available to the individual under this chapter or any other state law (including dependents' allowances and benefits payable to federal civilian employees and former armed forces personnel under 5 U.S.C. ch. 85) in the individual's current benefit year that includes such weeks. Provided that for the purposes of this subsection an individual shall be deemed to have received all of the regular benefits that were available to the individual, although as a result of a pending appeal with respect to wages that were not considered in the original monetary determination in the individual's

benefit year the individual may subsequently be determined to be entitled to add regular benefits, or:

a. The individual's benefit year having expired prior to such week, has no, or insufficient, wages and on the basis of which the individual could establish a new benefit year that would include such week, and

b. The individual has no right to unemployment benefits or allowances under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Automotive Products Trade Act of 1965, and such other federal laws as are specified in regulations issued by the United States secretary of labor, and the individual has not received and is not seeking unemployment benefits under the unemployment compensation law of Canada, but if the individual is seeking such benefits and the appropriate agency finally determines that the individual is not entitled to benefits under such law the individual is considered an exhaustee.

Claimant is eligible for EUC benefits.

DECISION:

The March 4, 2011 (reference 04) decision is reversed. The claimant is eligible for EUC benefits.

Dévon M. Lewis
Administrative Law Judge

Decision Dated and Mailed

dml/kjw