

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

GREG A SCHIPULL
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 21A-UI-24804-B2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 10/18/20
Claimant: Appellant (1)

Fed Law PL 116-136, Sec 2107 – Federal Pandemic Emergency Unemployment Compensation

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the October 26, 2021 (reference 03) unemployment insurance decision that denied Federal Pandemic Emergency Unemployment Compensation benefits effective May 9, 2021 because he would be monetarily eligible for benefits in the State of Tennessee. The claimant was properly notified of the hearing. A telephone hearing was held on January 7, 2022. The claimant participated personally.

The administrative law judge took official notice of the administrative records. Based on the evidence, the arguments presented, 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 Federal Pandemic Emergency Unemployment Compensation?

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 October 18, 2020. His weekly benefit amount was \$493.00.

His base period begins in the third quarter of 21019 and ends the second quarter of 2020. Claimant's maximum benefit amount for his October 18, 2020 original claim is \$12,818.00. He filed weekly continued claims from October 24, 2020 through June 12, 2021 and exhausted his maximum benefit amount during those weeks.

Claimant's base period includes wages from Tennessee. Claimant's administrative records establish that his claim is listed in Group Code 6.

Claimant's administrative records establish that the claimant is monetarily eligible for regular unemployment insurance benefits in the State of Tennessee.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes that the claimant is not eligible for Federal Pandemic Emergency Unemployment Compensation at this time because he is monetarily eligible for regular unemployment insurance benefits in the State of Tennessee.

PL 116-136 Sec 2107 provides in pertinent part:

PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION.

(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).

The United States Department of Labor issued operating instructions for the PEUC program. See Unemployment Insurance Program Letter No. 17-20 (April 10, 2020). The operating instructions state that in order to be eligible for PEUC, a claimant must have exhausted all rights to regular compensation under the applicable state or Federal law with respect to the applicable benefit year, have no rights to regular compensation with respect to a week under such law or any other state of Federal law, certify that he or she is not receiving unemployment compensation in Canada, and be able to and available for work. The operating instructions instruct state agencies to check at each quarter change if an individual has enough wages to establish a new benefit year in the State, in another State, or a combined wage claim. Finally, the operating instructions direct states to advise a claimant who can establish a new benefit year or combined wage claim to file the claim as they will no longer qualify for PEUC.

In this case, it appears claimant is monetarily eligible for unemployment insurance benefits in Tennessee based on a combined wage claim (taking the wages from Tennessee and combining those wages with those transferred from other states including Iowa). The fact that claimant does not live in Tennessee and only briefly worked there does not make a difference as to whether he is eligible for benefits in that state. When it comes to unemployment insurance benefits, a claimant can file a claim in any state where they worked and earned insured wages. In this case, claimant worked and earned insured wages in Tennessee and is eligible to file a claim there. The administrative law judge can certainly understand why claimant would rather pursue PEUC benefits in Iowa, but the federal law is clear claimant must exhaust all available

state benefits before he is eligible for federal benefits. Claimant's relief is to pursue his claim for regular unemployment insurance benefits in Tennessee.

DECISION:

The October 26, 2021 (reference 03) unemployment insurance decision is affirmed. The claimant is not eligible for Pandemic Emergency Unemployment Compensation effective May 9, 2021 because he is monetarily eligible for benefits in the State of Tennessee. The claimant may file a claim for regular unemployment insurance benefits in Tennessee based upon his wages.

This decision denies PEUC benefits. If this decision becomes final, you may have an overpayment of PEUC benefits.



Blair A. Bennett
Administrative Law Judge

January 31, 2022
Decision Dated and Mailed

bab/mh