

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**BARRY BRADA**  
Claimant

**APPEAL NO. 11A-EUCU-00106-L**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 04/19/09**  
**Claimant: Appellant (2-R)**

Iowa Code § 96.19(20) –Definition of an Exhaustee

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the January 19, 2011 (reference 04) decision that denied extended unemployment insurance benefits. After due notice was issued, a hearing was held on April 4, 2011. The claimant participated.

**ISSUE:**

Whether the claimant is eligible for Extended Unemployment Compensation benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was monetarily eligible to file a claim for regular unemployment insurance benefits in Iowa effective April 18, 2010. He did receiving EUC benefits rather than state unemployment insurance benefits.

**REASONING AND CONCLUSIONS OF LAW:**

Public Law 110-252, Section 4001(d)(2)(A) provides, in pertinent part:

An individual shall not be eligible for temporary extended unemployment compensation under this title unless, in the base period with respect to which the individual exhausted all rights to regular compensation under the State law, the individual had 20 weeks of full-time insured employment or the equivalent in insured wages, as determined under the provisions of the State law.

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. The claimant was eligible for regular unemployment insurance benefits from the state of Iowa effective November 29, 2009, thus he cannot be considered an exhaustee for purposes of extended unemployment insurance benefits. The claimant is not eligible for extended benefits in Iowa, but may be eligible for regular unemployment insurance benefits.

**DECISION:**

The January 19, 2011 (reference 04) decision is affirmed. The claimant is not eligible for EUC benefits in Iowa effective April 18, 2011 as he was monetarily eligible for regular unemployment insurance benefits.

**REMAND:** The offset of UI benefits against EUC benefits issue is remanded to the benefit payment section of Iowa Workforce Development for a determination with itemized explanation to claimant.

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Dévon M. Lewis  
Administrative Law Judge

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Decision Dated and Mailed

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