

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MARK J WIERSCHKE
Claimant

APPEAL NO. 10A-EUCU-00671-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 10/19/08
Claimant: Appellant (1)

Public Law 110-252 – Emergency Unemployment Compensation
Section 96.19-20 – Definition of Exhaustee

STATEMENT OF THE CASE:

The claimant appealed a representative's July 23, 2010 decision (reference 05) that held he was not eligible to receive Emergency Unemployment Compensation benefits as of January 3, 2010, because he was monetarily eligible to receive regular unemployment insurance benefits instead. A telephone hearing was held on September 18, 2010. The claimant participated in the hearing. Based on the administrative record, 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 to receive Emergency Unemployment Compensation benefits or regular unemployment insurance benefits as of January 3, 2010?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of October 19, 2008. He started receiving Emergency Unemployment Compensation benefits the week ending July 18, 2009.

The claimant relied on his local Workforce representatives' expertise to make sure he received benefits correctly. Based on his wages of \$122.00 from Aventure Staffing and Professional in the fourth quarter of 2008 and wages of \$4,349.00 and \$3,631.00 he earned in the second and third quarters of 2009 from American Security Corporation, the claimant was monetarily eligible to receive \$189.00 in regular benefits as of January 3, 2010.

REASONING AND CONCLUSIONS OF LAW:

The Emergency Unemployment Compensation (EUC) program was created by Public Law 110 252, Title VI. This new temporary unemployment insurance program provides additional weeks of unemployment benefits to certain workers who have exhausted their rights to regular unemployment compensation benefits. To receive extended unemployment insurance benefits (EUC), a person must be an "exhaustee" within the meaning of unemployment insurance law.

Pursuant to Iowa Code § 96.19(20), a person is not an "exhaustee" if he is monetarily eligible for regular unemployment insurance benefits in Iowa or another state.

Based on the wages the claimant earned from October 1, 2008, through September 30, 2009, he is monetarily eligible to receive \$189.00 a week in regular benefits as of January 3, 2010. Therefore, as of January 3, 2010, the claimant is not eligible to receive Emergency Compensation benefits, because he is no longer considered an exhaustee.

DECISION:

The representative's July 23, 2010 decision (reference 05) is affirmed. The claimant is monetarily eligible to receive \$189.00 a week in regular unemployment insurance as of January 3, 2010. As of this date the claimant is not eligible to receive Emergency Unemployment Compensation benefits.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw