

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

PATRICIA L HANSON
Claimant

APPEAL NO: 11A-UI-08818-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 06/26/11
Claimant: Appellant (5-R)**

Section 96.4-4 - Monetary Eligibility

STATEMENT OF THE CASE:

The claimant appealed monetary determination issued July 1, 2010 that indicated she was monetarily eligible for unemployment insurance benefits effective June 26, 2011. A telephone hearing was held on July 22, 2011. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, a review of the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Does the claimant have sufficient wages to qualify for a regular unemployment insurance benefit claim effective April 3, 2011?

FINDINGS OF FACT:

The claimant filed a claim for unemployment insurance benefits with an effective date of October 12, 2008; her weekly benefit amount under that claim year was \$285.00. She exhausted her regular unemployment insurance benefits under that claim and began receiving emergency unemployment compensation (EUC) benefits. She then established a second claim year effective October 11, 2009, exhausted her regular unemployment benefit eligibility, and again began EUC benefits under that claim year. In July 2010 she was able to reopen her 2008 claim year to receive additional EUC benefits under available tiers of that program on that benefit year. From that point through and after the week ending April 2, 2011, she filed weekly claims and reported income from other employment, receiving partial benefits for weeks her earnings were less than \$300.00 (\$285.00 + \$15.00). She continued to do so through the exhaustion of her EUC eligibility the week ending May 28, 2011.

Agency records indicated in the fourth quarter 2010 the claimant had wage credits of \$97.00 from one employer and \$1,091.00 from another employer. In the first quarter 2011 the claimant had wage credits of \$29.00 from the first employer and \$2,496.00 from the second employer. The claimant spoke to an Agency representative on June 20, 2011. A new regular unemployment claim year was established effective June 26, 2011, but the claimant was advised that the claim year should technically be dated April 3, 2011. The regular base period

for either an April 3 or June 26 claim year is January 1, 2010 through December 31, 2010. Her alternative base period using either claim date is April 1, 2010 through March 31, 2011. Using the alternative base period, her weekly benefit amount using either the April 3 or June 26 date is \$109.00.

REASONING AND CONCLUSIONS OF LAW:

Under the unemployment insurance law, a claimant must have sufficient wages in the base period to qualify for benefits, with the base period defined as the first four of the last five completed calendars. Iowa Code § 96.19-3. During the base period, the claimant must have been paid wages of at least one and one-quarter times the wages paid for quarter of the base period in which the claimant's wages were the highest. Iowa Code § 96.4-4-a. For an individual who does not have sufficient wages in her regular base period qualify for benefits, qualification for benefits can be based on an alternative base period of the last four completed calendar quarters immediately before the first day of the claimant's benefit year. Iowa Code § 96.4-4-b.

The claimant was monetarily eligible for a regular unemployment insurance claim using the alternative base period effective April 3, 2011. She was filing weekly claims through and after that date, and her current regular claim date should be back dated to April 3, 2011.

Public Law 110-252 establishes the general eligibility requirements for Emergency Unemployment Compensation. As amended by Public Law 111-205, the EUC Extension Act of 2010, the law now provides that a EUC option may apply to individuals who meet certain criteria. An individual who monetarily qualifies for a new claim for regular unemployment insurance (UI) may continue to collect EUC at their higher prior level until those EUC benefits are exhausted, rather than first exhausting their lower regular unemployment insurance benefit eligibility. The specific criteria is that their most recent paying benefit year must have ended after July 22, 2010; that at the time of expiration they still have remaining EUC eligibility and an EUC balance on the most recent paying benefit year; and that the weekly benefit amount on the new claim is \$100.00 or 25 percent less than the weekly benefit amount of the EUC claim. P.L. 111-205 § 3. Here, the claimant's claim year expired after July 22, 2010, she had not exhausted her EUC eligibility from her 2008 claim year, and her new regular claim year weekly benefit amount was both more than \$100.00 and 25 percent less than during the claim in which she had EUC eligibility. While she was eligible for a regular claim backdated to April 3, 2011, EUC benefits would continue to be paid under the 2008 claim year until those benefits were exhausted, so long as the claimant was otherwise eligible.

DECISION:

The monetary determination dated July 1, 2011 is modified with no change in the outcome. The claimant was monetarily eligible to receive benefits and a new regular claim is backdated to April 3, 2011. The matter remanded to the Agency to update its records to reflect the April 3, 2011 claim date. The claimant's payments through May 28, 2011 are not affected by this

decision, as she was still eligible for EUC benefits under her 2008 claim, if she was otherwise eligible.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

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