

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LISA L WIESENDER
Claimant

APPEAL NO. 12A-UI-03506-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 01/24/10
Claimant: Appellant (2)

Public Law 110-252 – Emergency Unemployment Compensation

STATEMENT OF THE CASE:

Lisa L. Wiesender filed a timely appeal from an unemployment insurance decision dated March 21, 2012, reference 07, that ruled she was not eligible for emergency unemployment compensation benefits based on her January 24, 2010 claim. After due notice was issued, a telephone hearing was held April 23, 2012, with Ms. Wiesender participating. Exhibit A was admitted into evidence on her behalf. The administrative law judge takes official notice of Agency benefit payment records and decision records.

ISSUE:

Is the claimant eligible for emergency unemployment compensation benefits based on her January 24, 2010 unemployment insurance claim?

FINDINGS OF FACT:

Lisa L. Wiesender filed a claim for unemployment insurance benefits effective January 24, 2010. Her weekly benefit amount was \$402.00. She received state unemployment insurance benefits on that claim. She then received emergency unemployment compensation benefits beginning August 14, 2011. She was monetarily eligible for state unemployment insurance benefits on April 3, 2011. Her weekly benefit amount, however, was \$181.00, more than \$100.00 a week less than her weekly benefit amount on her 2010 claim.

REASONING AND CONCLUSIONS OF LAW:

Public Law 110-252 created the emergency unemployment compensation program and established eligibility requirements. One requirement was that an individual could not receive emergency unemployment compensation benefits for any week that the individual was monetarily eligible for regular state unemployment insurance benefits. A subsequent amendment to that law allowed an individual to continue receiving emergency unemployment compensation benefits even though eligible for state benefits if the state weekly benefit amount was substantially less than the weekly benefit amount on the claim upon which emergency unemployment compensation benefits were based. Ms. Wiesender fits within the exception of the amendment. For this reason, the administrative law judge reverses the fact-finding decision.

DECISION:

The unemployment insurance decision dated March 21, 2012, reference 07, is reversed. The claimant is entitled to receive emergency unemployment compensation benefits based on her January 24, 2010 state claim.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

kjw/kjw