

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JON G MORRIS**  
Claimant

**APPEAL NO: 10A-UI-16068-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 04/05/09**  
**Claimant: Appellant (1)**

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

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's November 12, 2010 determination (reference 11) that held him ineligible to receive Emergency Unemployment Compensation benefits as of August 29, 2010, because he was instead eligible to receive regular benefits. The claimant participated the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge finds the claimant is not eligible to receive Emergency Unemployment Compensation benefits under his April 2009 claim because he is instead eligible to receive regular benefits as of August 29, 2010.

**ISSUES:**

Is the claimant eligible to receive Emergency Unemployment Compensation benefits or regular unemployment insurance benefits as of August 29, 2010?

**FINDINGS OF FACT:**

The claimant established claim for benefits during the week of April 5, 2009. He started receiving Emergency Unemployment Compensation benefits the week ending September 19, 2009.

When the claimant filed for unemployment insurance benefits he gave the local representative any information they requested and followed their directions. The claimant did not know or understand he was required to establish a new benefit year if he had enough wages to establish and receive regular unemployment insurance benefits.

The claimant reopened his claim during the week of August 29, 2010. At that time he had earned and received the following wages: from A-Lert \$3179 in the first quarter of 2010 and \$1233 in the second quarter of 2010; and from Midwest Construction Service \$3682 during the second quarter of 2010. Based on these wage credits, the claimant is monetarily eligible to receive \$234 a week in regular benefits as of August 29, 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.

To be monetarily eligible to receive regular unemployment insurance benefits, a claimant must have been paid wages for insured work during his base period in an amount at least one and one-quarter times the wages paid to the claimant during that the highest quarter of the base period. Iowa Code § 96.4-4-a. Based on this section of the law, the claimant was not monetarily eligible to establish a second, subsequent benefit year as of August 29, 2010.

Base period is defined as consisting of the first four of the last five completed calendar quarters immediately preceding the calendar quarter in which the individual's claim for benefits is effective. 871 IAC 24.1(11). A relatively recent law, Iowa Code § 96.4-4-b, provides an alternate base period for claimants who do not have sufficient wages in the "regular" base period. For these individuals, the base period shall be the last four completed calendar quarters immediately preceding the first day of the claimant's benefit year. Based on Iowa Code § 96.4-4-b, the claimant's alternate base period includes wages he earned from January 1 through June 30, 2010. The wages the claimant earned during this time frame make him monetarily eligible to receive a maximum of \$234 a week in regular unemployment insurance benefits as of August 29, 2010. His maximum benefit amount on this claim is \$2,698.46.

As of August 29, 2010, the claimant is not an "exhaustee" for purposes of receiving federal extended unemployment compensation benefits (EUCU). As of August 29, 2010, the claimant is not eligible to receive Emergency Unemployment Compensation benefits based on his April 5, 2009 claim.

The claimant is monetarily eligible to receive regular unemployment insurance benefits as of August 29, 2010.

**DECISION:**

The representative's November 12, 2010 determination (reference 11) is affirmed. The claimant is monetarily eligible to receive regular unemployment insurance as of as of August 29, 2010.

Therefore, he is not eligible to receive Emergency Unemployment Compensation benefits as of August 29, 2010 because he is instead eligible to receive regular unemployment insurance benefits.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs