

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JESSICA C ALVAREZ
Claimant

APPEAL 20A-UI-11831-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 03/22/20
Claimant: Appellant (1)**

PL 110-252, Sec 4001 – Federal Emergency Unemployment Compensation Extension Act
Iowa Code 96.29 – Extended Benefits
20 CFR 615 – Extended Benefits

STATEMENT OF THE CASE:

On September 17, 2020, claimant filed an appeal from the September 11, 2020, (reference 05), unemployment insurance decision that found claimant ineligible for extended unemployment insurance benefits in Iowa. After due notice was issued, a telephone conference hearing was held on November 18, 2020. Claimant participated. Claimant's Exhibit A was received. The administrative law judge took official notice of the administrative records. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Does the claimant have sufficient wages in her base period to qualify for EUC benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a new claim for unemployment insurance benefits with an effective date of March 22, 2020. The claimant's base period is from the fourth quarter of 2018 until the third quarter of 2019. Claimant exhausted regular unemployment insurance benefits during the week ending May 30, 2020.

The wages in the base period included the following:

EMPLOYER	2018/4	2019/1	2019/2	2019/3
FRESHMEX CORALVILLE LLC	969			
ERJ DINING IV LLC				2122
BRINKER RESTAURANT CORP.				159

She exhausted the federal Pandemic Emergency Unemployment Compensation benefits during the week-ending August 29, 2020. Her claim for extended benefits but was determined ineligible because the total wages in the base period (\$3,250.00) were not at least 1.5 times her high quarter wages (\$3,421.50).

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

The Emergency Unemployment Compensation (EUC) program was created by Public Law 110-252, Title VI. This temporary unemployment insurance program provides up to 13 additional weeks of unemployment benefits to certain workers who have exhausted their rights to regular unemployment compensation benefits. PL Section 4001(d)(2)(A) states that persons shall not be eligible for Extended Benefits unless they have “20 weeks of full-time insured employment or the equivalent in insured wages” in their base period. as determined by the state law implementing the Extended Unemployment Compensation Act of 1970.

The Extended Unemployment Compensation Act of 1970 allowed states to choose one of three methods for determining an “equivalent of 20 weeks of full-time insured employment.” The method Iowa chose is in Iowa Code § 96.29-1-c, which requires claimants have total base period wages of at least 1.5 times the wages paid during the quarter of the base period in which their wages were highest.

In this case, the claimant does not meet the eligibility requirements, because the total wages in the base period were not at least 1.5 times her high quarter wages. The request for EUC benefits is therefore denied.

DECISION:

The September 11, 2020, (reference 05), unemployment insurance decision is affirmed. The claimant does not have sufficient wages in her base period to qualify for Emergency Unemployment Compensation.



Jennifer L. Beckman
Administrative Law Judge
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December 4, 2020
Decision Dated and Mailed

jlb/scn