

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL R STOLTZ
Claimant

APPEAL NO: 13A-UI-07326-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/18/12
Claimant: Appellant (1)**

Iowa Code § 96.29-1-c –EUCU Monetary Eligibility
PL 110-252 Section 4002(b)(1) –EUCU Monetary Eligibility

STATEMENT OF THE CASE:

The claimant appealed a representative's June 11, 2013 determination (reference 01) that concluded he did not have sufficient wages to qualify for Emergency Unemployment Compensation (EUC) benefits. The claimant participated in the scheduled hearing. Based on the evidence, the claimant's arguments, and the law, the administrative law judge concludes the claimant is not monetarily eligible to receive EUC benefits.

ISSUE:

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

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of November 18, 2012. The claimant's base period for this claim is October 1, 2011 through September 30, 2012. During his base period, the claimant earned the following wages: October 1 through December 31, 2011 – \$35,199.30 from Wisconsin; January 1 through March 31, 2012 - zero; April 1 through June 30, 2011 - \$11,581.44 from Wisconsin; and July 1 through September 30, 2012 - \$558.24 from Day & Zimmermann NPS and \$745.68 from Wisconsin.

The claimant exhausted his regular unemployment insurance benefits during the week ending June 8, 2013. He then made a request for EUC benefits.

REASONING AND CONCLUSIONS OF LAW:

To qualify for Emergency Unemployment Compensation (EUC) benefits, claimants must have earnings of one and one-half times the high quarter in their base period. PL 110-252 Section 4002(b)(1). As a result there may be claimants who do not qualify for EUC even though they have exhausted their regular benefits. EUC can be filed only on the most recent exhausted or expired claim.

During the claimant's base period, he has not earned one and one-half times the high quarter wages in his base period. Even though the claimant has exhausted his entitlement of regular unemployment insurance benefits, he is not monetarily eligible to receive EUC on the claim he established during the week of November 18, 2012.

Section 4001(d)(2)(A) of the EUC Act states that persons shall not be eligible for EUC 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 to 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. Wages that determine whether a claimant is monetarily eligible for EUC benefits are the wages that show up in his base period when he established his regular unemployment insurance claim the week of November 18, 2012.

The claimant is not eligible for EUC benefits because the total wages in his base period (\$48,072) are not at least 1.5 times his high quarter wages ($\$35,188 \times 1.5 = \$52,782$).

DECISION:

The representative's June 11, 2013 determination (reference 01) is affirmed. The claimant is not monetarily eligible to receive Emergency Unemployment Compensation benefits because the wages paid for insured work during his base period are not at least one and one-half times the wages paid to him during the highest quarter of earnings in his base period.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/pjs