

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI	
<b>SHANE A CRETE</b> Claimant  <b>IOWA WORKFORCE DEVELOPMENT DEPARTMENT</b>	<b>APPEAL NO. 10A-UI-03152-ST</b>  <b>ADMINISTRATIVE LAW JUDGE DECISION</b>   <b>Original Claim: 12/28/08</b> <b>Claimant: Appellant (1)</b>

Section 96.19-20 – Federal Extension Benefits/Exhaustee

**STATEMENT OF THE CASE:**

The claimant appealed a department representative's decision dated February 5, 2010, reference 05, which amends reference 03, that held he was ineligible for emergency unemployment compensation benefits effective December 28, 2008, because he was monetarily eligible for Illinois regular benefits effective June 7, 2009. A telephone hearing was held on April 15, 2010. The claimant participated.

**ISSUE:**

Whether the claimant is eligible for federal extension benefits (EUC).

**FINDINGS OF FACT:**

The claimant last worked for Plexus Scientific Corporation (Illinois employer) about November 2008, and he established an Iowa extended (EUC) benefits effective December 28, 2008. The claimant received extended benefits for 36 weeks ending February 6, 2010. A department representative discovered that claimant has a monetarily eligible regular unemployment claim in the State of Illinois effective June 7, 2009. The claimant was able to backdate the Illinois claim to that date, and is receiving benefits on this claim.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 96.19(20) provides:

(20) *"Exhaustee"* means an individual who, with respect to any week of unemployment in the individual's eligibility period has received, prior to such week, all of the regular benefits that were available to the individual under this chapter or any other state law (including dependents' allowances and benefits payable to federal civilian employees and former armed forces personnel under 5 U.S.C. ch. 85) in the individual's current benefit year that includes such weeks. Provided that for the purposes of this subsection an individual shall be deemed to have received all of the regular benefits that were available to the individual, although as a result of a pending appeal with respect to wages that were not considered in the original monetary determination in the individual's

benefit year the individual may subsequently be determined to be entitled to add regular benefits, or:

- a. The individual's benefit year having expired prior to such week, has no, or insufficient, wages and on the basis of which the individual could establish a new benefit year that would include such week, and
- b. The individual has no right to unemployment benefits or allowances under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Automotive Products Trade Act of 1965, and such other federal laws as are specified in regulations issued by the United States secretary of labor, and the individual has not received and is not seeking unemployment benefits under the unemployment compensation law of Canada, but if the individual is seeking such benefits and the appropriate agency finally determines that the individual is not entitled to benefits under such law the individual is considered an exhaustee.

The administrative law judge concludes the claimant is not eligible for federal extension benefits (EUC) through the State of Iowa effective December 28, 2008, because he is eligible for regular benefits through the State of Illinois effective June 7, 2009.

The law requires the claimant to be an "exhaustee" on any regular unemployment claim in order to be eligible for (EUC) extended benefits. The claimant's ineligibility issue was not caught at the time of the filing of his extended benefit claim and for some period of time, but the law allows the retroactive application to the claim date in the same way the claimant is allowed to backdate his Illinois regular claim and receive benefits.

**DECISION:**

The department representative's decision dated February 5, 2010, reference 05, which amends reference 03, is affirmed. The claimant is not eligible to receive extended benefits (EUC) effective December 28, 2008.

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Randy L. Stephenson  
Administrative Law Judge

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Decision Dated and Mailed

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