

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAMES H MOHR
Claimant

APPEAL NO: 11A-UI-16287-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/15/09
Claimant: Appellant (1)**

Section 96.19-20 – Federal Extension Benefits/Exhaustee

STATEMENT OF THE CASE:

The claimant appealed a department representative's December 9, 2011 decision, reference 01, that denied his request for emergency unemployment compensation benefits, because he was eligible for regular unemployment benefits effective November 13, 2011. A telephone hearing was scheduled for January 25, 2012. The claimant did not participate.

ISSUE:

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

FINDINGS OF FACT:

The claimant did file an Iowa regular unemployment claim effective November 13, 2011, and was eligible for benefits. A \$65 overpayment on his EUC claim was offset the week ending December 24, 2011 on his regular claim. There is no outstanding benefit overpayment.

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), because he is eligible for regular unemployment benefits through the State of Iowa effective November 13, 2011.

DECISION:

The department representative's December 9, 2011 decision, reference 01, is affirmed. The claimant is not eligible to receive extended (EUC) benefits, because he is eligible to receive regular benefits effective November 13, 2011.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw