

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**WILLIAM A PATTERSON**  
Claimant

**APPEAL NO. 11A-UI-10111-SWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 05/08/11**  
**Claimant: Appellant (1)**

Public Law 110-252, Title IV – Eligibility for Emergency Unemployment Compensation  
Iowa Code § 96.29-1-c – Qualifying Wage Requirement for Extended Benefits

**STATEMENT OF THE CASE:**

The claimant appealed an unemployment insurance decision dated July 28, 2011, reference 01, that concluded he was not qualified for emergency unemployment compensation (EUC) because he did not have a total of 1.5 times his high quarter wages in his base period. A telephone hearing was held on August 29, 2011. The claimant participated in the hearing.

**ISSUE:**

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

**FINDINGS OF FACT:**

The claimant filed a new claim for unemployment insurance benefits with an effective date of May 8, 2011, after his separation from employment from Ankeny Body Shop. The claimant's base period is from January through December 2010. When the claimant applied for benefits, he had base period wages as follows: 1st quarter 2010 (\$7,224.66), 2nd quarter 2010 (\$3,329.94), 3rd quarter 2010 (\$0.00), and 4th quarter 2010 (\$0.00).

The claimant exhausted all the benefits available on the claim during the week ending June 23, 2011, but remains unemployed. He filed a claim for EUC but was determined ineligible because the total wages in the base period (\$10,554.60) were not at least 1.5 times his high quarter wages (\$10,836.99).

**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 up to 13 additional weeks of unemployment benefits to certain workers who have exhausted their rights to regular unemployment compensation benefits.

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 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.

The claimant is not ineligible for EUC because the total wages in the base period (\$10,554.60) were not at least 1.5 times his high quarter wages (\$10,836.99).

I understand the difficulties in finding employment in the current economic conditions and the hardships that come from being unemployed, but an administrative law judge must apply the law as written and cannot rewrite the law to achieve some desired result.

**DECISION:**

The unemployment insurance decision dated July 28, 2011, reference 01, is affirmed. The claimant does not have sufficient wages in his base period to qualify for EUC benefits

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Steven A. Wise  
Administrative Law Judge

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Decision Dated and Mailed

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