

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**GERALD P WHITE**  
Claimant

**APPEAL NO. 11A-EUCU-00882-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 01/02/11  
Claimant: Appellant (1)**

Public Law 110-252 – Emergency Unemployment Compensation  
Section 96.6-2 – Timely Appeal

**STATEMENT OF THE CASE:**

Gerald P. White filed an appeal from an unemployment insurance decision dated November 30, 2011, reference 02, that ruled he was ineligible for emergency unemployment compensation through Iowa effective October 2, 2011 upon a finding that he was monetarily eligible for an alternate base period state unemployment insurance claim through Nebraska as of that date. After due notice was issued, a telephone hearing was held January 23, 2012 with Mr. White participating. Exhibit D-1 was admitted into evidence. This case is considered on a consolidated record with 11A-EUCU-00883-AT.

**ISSUES:**

Has the claimant filed a timely appeal?

Is the claimant eligible for emergency unemployment compensation through Iowa effective October 2, 2011?

**FINDINGS OF FACT:**

Gerald P. White filed a claim for unemployment insurance benefits through the state of Iowa effective January 2, 2011. He exhausted his regular state unemployment insurance benefits and emergency unemployment compensation based on that claim. After exhausting those benefits, he contacted the state of Nebraska to file a claim there. Nebraska discovered that he was monetarily eligible for state unemployment insurance benefits computed on an alternate base period effective October 2, 2011.

Mr. White did not receive a decision mailed to him on November 30, 2011. He first learned of the issue when he received an overpayment decision that was issued on December 6, 2011. He has filed a timely appeal from the overpayment decision.

**REASONING AND CONCLUSIONS OF LAW:**

The first question is whether the claimant has filed a timely appeal. He has. The evidence establishes that Mr. White did not receive the decision mailed to him on November 30, 2011. It establishes that he filed a timely appeal after learning of the existence of the November 30, 2011 decision. Iowa Administrative Code section 871-24.35 allows additional time for filing an appeal if the delay is the fault of the United States Postal Service or Iowa Workforce Development. The administrative law judge concludes that the Administrative Code provision applies in the present case and that Mr. White filed an appeal promptly after learning of the existence of the decision. Accordingly, his appeal is accepted as timely.

The remaining question is whether Mr. White is eligible for emergency unemployment compensation through Iowa effective October 2, 2011. He is not.

Public Law 110-252, an act of Congress, establishes the Emergency Unemployment Compensation Program and sets the eligibility requirements. An individual is not eligible for emergency unemployment compensation for any week that the individual is monetarily eligible for regular state unemployment insurance benefits. The evidence in this record establishes that Mr. White is eligible for Nebraska state unemployment insurance benefits effective October 2, 2011. Therefore, he is not eligible for emergency unemployment compensation as of that date.

**DECISION:**

The unemployment insurance decision dated November 30, 2011, reference 02, is affirmed. The claimant is ineligible for emergency unemployment compensation through Iowa effective October 2, 2011.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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