

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**KELVIN L SAMSON**  
Claimant

**APPEAL NO. 11A-EUCU-00569-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 01/07/07**  
**Claimant: Appellant (1)**

Public Law 110-252 – Emergency Unemployment Compensation

**STATEMENT OF THE CASE:**

Kelvin L. Samson filed a timely appeal from an unemployment insurance decision dated June 24, 2011, reference 02, that ruled he was ineligible for emergency unemployment compensation on his January 2007 state claim effective December 19, 2010, upon a finding that he was monetarily eligible for state unemployment insurance benefits as of that date. After due notice was issued, a telephone hearing was held July 28, 2011, with Mr. Samson participating. Terry Mercer participated in the hearing on his behalf. The administrative law judge takes official notice of agency wage records.

**ISSUE:**

Is the claimant eligible for state unemployment insurance benefits effective December 19, 2010?

**FINDINGS OF FACT:**

In the fourth calendar quarter of 2009, Kelvin L. Samson was paid gross wages of \$2,407.00 by Indianola Tire, Inc. In the third calendar quarter of 2010, he was paid \$7,135.00 by Vanderpool Construction, Inc.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether Mr. Samson remains eligible to receive emergency unemployment compensation beginning December 19, 2010. He is not.

Public Law 1101-252, the federal statute creating the emergency unemployment compensation program, denies eligibility for those benefits for any week that an individual is monetarily eligible for state unemployment insurance benefits. The evidence in this record establishes that Mr. Samson is monetarily eligible for state unemployment insurance benefits effective December 19, 2010, based upon an alternate base period of October 1, 2009, through September 30, 2010. Since Mr. Samson was paid insured wages during this period of time in an amount necessary to qualify him for state unemployment insurance benefits, he must receive

those benefits rather than federal emergency unemployment compensation beginning December 19, 2010.

**DECISION:**

The unemployment insurance decision dated June 24, 2011, reference 02, is affirmed. The claimant is ineligible for emergency unemployment compensation beginning December 19, 2010.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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