

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BEN L BENNETT
Claimant

APPEAL NO. 12A-UI-00713-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

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

PL-110-252 – Eligibility for Emergency Unemployment Compensation

STATEMENT OF THE CASE:

Ben L. Bennett filed a timely appeal from an unemployment insurance decision dated January 11, 2012, reference 01, that ruled he was ineligible for Emergency Unemployment Compensation benefits through Iowa upon a finding that he was monetarily eligible for regular unemployment insurance benefits effective December 11, 2011 on a combined wage claim through Wisconsin. After due notice was issued, a telephone hearing was held February 16, 2012 with Mr. Bennett participating. The administrative law judge takes official notice of agency benefit payment and overpayment records.

ISSUE:

Is the claimant eligible for Emergency Unemployment Compensation through Iowa effective December 11, 2011?

FINDINGS OF FACT:

Ben L. Bennett filed a claim for unemployment insurance benefits through Iowa effective January 2, 2011. He exhausted his regular state benefits during the week ending April 2, 2011. He began receiving Emergency Unemployment Compensation based on that claim during the week of December 11, 2011.

Mr. Bennett was monetarily eligible to receive regular state benefits through Wisconsin on a combined wage claim that would have been effective December 11, 2011. Instead, Mr. Bennett elected to have his Wisconsin wages transferred to Iowa. He opened a new Iowa unemployment insurance claim effective January 1, 2012.

REASONING AND CONCLUSIONS OF LAW:

Public Law 110-252 is a federal statute that establishes the Emergency Unemployment Compensation Program and sets the eligibility requirements. The federal statute does not allow Emergency Unemployment Compensation benefits to be paid to an individual for any week that the individual is monetarily eligible for regular state unemployment insurance benefits. The

statute does not create an exception for an individual who is monetarily eligible but who chooses not to file a state claim for the week or weeks. Mr. Bennett testified that he chose to file a combined wage claim in Iowa effective January 1, 2012 instead of filing through Wisconsin because his benefits through Iowa would be higher and because he had more recent experience with Iowa unemployment insurance claims. The administrative law judge does not question Mr. Bennett's logic. Unfortunately for him, however, the federal statute does not give an individual that option. Since he could have received state benefits through Wisconsin beginning December 11, 2011, he cannot receive Emergency Unemployment Compensation benefits for those weeks.

DECISION:

The unemployment insurance decision dated January 11, 2012, reference 01, is affirmed. The claimant is ineligible for Emergency Unemployment Compensation through Iowa effective December 11, 2011.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs