

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DEBORAH A BLOCKHUS**  
Claimant

**APPEAL NO. 11A-UI-01622-NT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 06/28/09**  
**Claimant: Appellant (1)**

Public Law 110-252 – Temporary Emergency Unemployment Benefits

**STATEMENT OF THE CASE:**

Claimant filed a timely appeal from an unemployment insurance decision dated February 7, 2011, reference 03, which denied the claimant's eligibility for emergency unemployment compensation benefits effective October 17, 2010 because of a decision issued requalifying the claimant for regular unemployment insurance benefits as of October 17, 2010. After due notice was issued, a telephone hearing was held on March 8, 2011. The claimant participated personally.

**ISSUE:**

At issue is whether the claimant is eligible for emergency compensation benefits.

**FINDINGS OF FACT:**

The administrative law judge, having considered the evidence in the record, finds: Deborah Blockhus had exhausted her regular Iowa unemployment insurance claim and had applied for emergency unemployment compensation. On October 17, 2010 a decision was issued requalifying Ms. Blockhus for her regular unemployment insurance benefits on an Iowa claim. Because the claimant was determined to be eligible on a regular unemployment insurance claim, she was not eligible to receive emergency unemployment compensation benefits.

It is the claimant's position that Agency representatives should have caught this error earlier as sufficient information was available to the Agency at an earlier date.

**REASONING AND CONCLUSIONS OF LAW:**

The purpose of the extended unemployment compensation is to provide up to 13 weeks of federally financed benefits to individuals who have had an unemployment insurance claim with a benefit year that expired after May 1, 2007 and who have exhausted their regular claim for benefits.

In order to be eligible for benefits the claimant must have exhausted benefits or the benefit year must have expired on or after May 1, 2007 and the claimants cannot be eligible on a second benefits year or monetarily eligible on a new claim or eligible in any other state or in Canada.

Iowa Code section 96.29-1 provides:

Extended benefits.

Except when the result would be inconsistent with the other provisions of this chapter, as provided in rules of the department, the provisions of the law which apply to claims for or the payment of regular benefits shall apply to claims for, and the payment of, extended benefits.

1. Eligibility requirements for extended benefits. An individual is eligible to receive extended benefits with respect to a week of unemployment in the individual's eligibility period only if the department finds that all of the following conditions are met:

- a. The individual is an "exhaustee" as defined in this chapter.
- b. The individual has satisfied the requirements of this chapter for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipt of benefits.
- c. The individual has been paid wages for insured work during the individual's base period in an amount at least one and one-half times the wages paid to the individual during that quarter of the individual's base period in which the individual's wages were highest.

871 IAC 24.50(2)(c) provides that temporary extended unemployment compensation benefits are payable in Iowa to individuals who are not eligible for regular benefits in Iowa or another state or eligible for any federal benefits or unemployment benefits in Canada. Ms. Blockhus became eligible for regular unemployment insurance claim in the state of Iowa as of November 17, 2010 when a decision was issued requalifying her for regular unemployment insurance benefits. Because an exhaustee at that time she was no longer eligible to receive emergency unemployment compensation benefits pursuant to an agreement entered into by the state of Iowa and the federal government pursuant to the Temporary Extended Unemployment Compensation Act of 2002.

Although it is unfortunate that the volume of claims may have prevented Agency personnel from earlier determining that Ms. Blockhus was not eligible for emergency unemployment compensation benefits, the fact remains that she was not an exhaustee effective October 17, 2010 and therefore was not eligible for emergency unemployment compensation.

**DECISION:**

The unemployment insurance decision dated February 4, 2011, reference 03, is affirmed. The claimant is not eligible for emergency unemployment compensation benefits effective October 17, 2010 as she had requalified for regular unemployment insurance benefits as of that date.

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Terence P. Nice  
Administrative Law Judge

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Decision Dated and Mailed

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