

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BERNICE THOMPSON
Claimant

APPEAL NO. 10A-EUCU-00091-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Original Claim: 05/04/09
Claimant: Appellant (1)**

Section 96.19-20 – Federal Extension Benefits/Exhaustee

STATEMENT OF THE CASE:

The claimant appealed a department representative's decision dated January 19, 2010, reference 05, that denied her request for extension benefits because she was eligible for regular unemployment benefits on a new claim effective May 3, 2009. A telephone hearing was scheduled for March 29, 2010. The claimant did not participate.

ISSUE:

Whether the claimant is eligible for federal extension benefits (EUC).

FINDINGS OF FACT:

The claimant filed a regular unemployment insurance claim effective May 3, 2009. Her weekly benefit amount is \$196 and her maximum benefit amount of \$3,208.96. The claimant filed claims for the three weeks ending May 23, 2009, and her benefits were applied to offset an outstanding overpayment. The claimant filed a claim for the week ending May 30, and she received a partial benefit for this week in the amount of \$113.

The claimant failed to respond to the hearing notice.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.19(20) provides:

(20) *"Exhaustee"* means an individual who, with respect to any week of unemployment in the individual's eligibility period has received, prior to such week, all of the regular benefits that were available to the individual under this chapter or any other state law (including dependents' allowances and benefits payable to federal civilian employees and former armed forces personnel under 5 U.S.C. ch. 85) in the individual's current benefit year that includes such weeks. Provided that for the purposes of this subsection an individual shall be deemed to have received all of the regular benefits that were available to the individual, although as a result of a pending appeal with respect to wages that were not considered in the original monetary determination in the individual's

benefit year the individual may subsequently be determined to be entitled to add regular benefits, or:

a. The individual's benefit year having expired prior to such week, has no, or insufficient, wages and on the basis of which the individual could establish a new benefit year that would include such week, and

b. The individual has no right to unemployment benefits or allowances under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Automotive Products Trade Act of 1965, and such other federal laws as are specified in regulations issued by the United States secretary of labor, and the individual has not received and is not seeking unemployment benefits under the unemployment compensation law of Canada, but if the individual is seeking such benefits and the appropriate agency finally determines that the individual is not entitled to benefits under such law the individual is considered an exhaustee.

The administrative law judge concludes the claimant is not eligible for federal extension benefits (EUC) through the State of Iowa effective May 3, 2009, as she has a monetary eligible regular unemployment claim.

The claimant is not an "exhaustee" and is otherwise eligible for regular benefits.

DECISION:

The department representative's decision dated January 19, 2010, reference 05, is affirmed. The claimant is not eligible to receive extended benefits (EUC).

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/kjw