

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SETH L RESKIE
Claimant

APPEAL NO: 11A-EUCU-00372-DT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 02/24/08
Claimant: Appellant (1)

Public Law 110–252, Title IV – Eligibility for Emergency Unemployment Compensation
Public Law 110–449 – Additional Emergency Unemployment Compensation

STATEMENT OF THE CASE:

Seth L. Reskie (claimant) appealed a representative's March 25, 2011 decision (reference 06) that concluded he was not eligible for emergency unemployment compensation (EUC) benefits from October 3, 2010 through January 1, 2011 because he had regular benefit eligibility which he had not yet exhausted. This appeal was consolidated for hearing with one related appeal, 11A-EUCU-00373-DT. Hearing notices were mailed to the claimant's last-known address of record for a telephone hearing to be held on April 27, 2011. The claimant participated in the hearing. Based on the evidence, the arguments of the claimant, a review of the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Was the claimant eligible for EUC benefits for the period of October 3, 2010 through January 1, 2011?

FINDINGS OF FACT:

The claimant established an initial unemployment insurance benefit year effective February 24, 2008. He received some regular unemployment insurance benefits under that claim year until that claim year expired February 22, 2009. His claim was then reopened as an additional claim for emergency unemployment compensation (EUC) benefits effective September 18, 2010 and he began receiving benefits under that program, including for the weeks between October 3, 2010 and January 1, 2011.

When the claimant reopened his claim for EUC effective September 18, 2010, he was not then monetarily eligible to open a new regular unemployment insurance claim, as he did not have adequate wages in what would have been his new base period. However, after the Agency received and processed the third quarter 2010 wage report from the claimant's last employer, on or about March 25, 2011 the Agency determined that under the alternative base period provisions, the claimant was eligible to for a regular benefit year effective October 3, 2010. The claim was created and backdated to be effective October 3, 2010, and regular benefits have

been credited for weeks beginning at that time through the exhaustion of those benefits as of the week ending January 1, 2011. After those regular benefits were credited and exhausted, the claimant was returned to EUC eligibility under the February 24, 2008 claim year, which as of the date of the hearing had not yet not been exhausted.

REASONING AND CONCLUSIONS OF LAW:

The federal program specifies that EUC benefits are only available for workers who have exhausted all rights to regular unemployment compensation benefits. Public Law 110-252, Title VI, effective June 30, 2008. In this case, the claimant was not eligible to receive further EUC benefits under his 2008 claim year as of October 3, 2010, because at that time he was monetarily eligible for a regular claim for benefits; that eligibility applied through the week ending January 1, 2011.

DECISION:

The representative's March 25, 2011 decision (reference 06) is affirmed. The claimant was not eligible for EUC benefits for the period of October 3, 2010 through January 1, 2011.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/pjs