

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JANICE I WOLFS
Claimant

APPEAL NO. 11A-EUCU-00828-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07/12/09
Claimant: Appellant (1)**

Public Law 110-252, Title IV –Emergency Unemployment Compensation
Section 96.20 – Definition of Exhaustee

STATEMENT OF THE CASE:

Janice Wolfs filed a timely appeal from the November 7, 2011, reference 03, decision that denied emergency unemployment compensation benefits on her July 12, 2009 claim based on an Agency conclusion that she was monetarily eligible for regular unemployment insurance benefits effective July 10, 2011. After due notice was issued, a hearing was held on January 9, 2012. Ms. Wolfs participated. The hearing in this matter was consolidated with the hearing in Appeal Numbers 11A-UI-15537-JTT, 11A-UI-15538-JTT, and 11A-EUCU-00874-JTT. Exhibit B, C, D, F and G were received into evidence. The administrative law judge took official notice of the Agency's administrative records (DBRO and DBIN) concerning wages reported by or for the claimant and benefits disbursed to the claimant in connection with the benefit claim years that were effective July 12, 2009; July 11, 2010; and July 10, 2011.

ISSUES:

Whether the claimant is eligible for extended unemployment compensation (EUC) benefits effective July 10, 2011.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Janice Wolfs established a claim for benefits that was effective July 12, 2009, and received both regular benefits and extended (EUC) benefits in connection with that claim. When that claim year ended, Ms. Wolfs then established a new original claim for benefits that was effective July 11, 2010. Ms. Wolfs received both regular benefits and extended (EUC) benefits in connection with that claim. On January 1, 2011, Workforce Development mailed notice to Ms. Wolfs that she had \$448.02 in regular benefit eligibility remaining effective January 1, 2011. *The notice told Ms. Wolfs that if she was still unemployed after her Iowa unemployment Insurance claim expired on July 10, 2011, she could file a new Iowa claim by contacting her local Workforce Development office or by filing the new claim online. See Exhibit G.*

When Ms. Wolfs' claim year expired on July 10, 2011, Ms. Wolfs became monetarily eligible—based on wages from part-time employment with employer Comfort Care during the second, third, and fourth quarter of 2010 and the first quarter of 2011—to be considered for *regular* unemployment insurance benefits. Unlike the previous year, Ms. Wolfs did not take steps to establish a new claim for regular benefits. Instead, Ms. Wolfs continued to receive federal EUC benefits tacked on to the July 12, 2009 claim until Workforce Development detected a problem. In the meantime, Ms. Wolfs had received \$2,190.00 in EUC benefits for the period of July 10, 2011 through September 3, 2011. Workforce Development set up a new “original claim” for regular benefits to be effective July 10, 2011.

REASONING AND CONCLUSIONS OF LAW:

The Emergency Unemployment Compensation (EUC) program was created by Public Law 110-252, Title VI. This temporary unemployment insurance program provides additional weeks of unemployment benefits to certain workers who have exhausted their rights to regular unemployment compensation benefits.

In order to receive extended unemployment insurance benefits (EUC) a person must be an “exhaustee” within the meaning of unemployment insurance law. Pursuant to Iowa Code section 96.19(20), a person is not an “exhaustee” if she is monetarily eligible for regular unemployment insurance benefits in Iowa or another State.

The weight of the evidence indicates that Ms. Wolfs has sufficient base period wage credits during the second, third, and fourth quarters of 2010 and the first quarter of 2011 to be monetarily eligible for regular state benefits effective July 10, 2011. Because Ms. Wolfs was monetarily eligible for *regular* unemployment insurance benefits effective July 10, 2011, she did not meet the definition of an “exhaustee” for purposes of receiving extended benefits in Iowa as of that date. Ms. Wolfs was not eligible for the EUC benefits she received for the period of July 10, 2011 through September 3, 2011.

DECISION:

The Agency representative's November 7, 2011, reference 03 is affirmed. Effective July 10, 2011, the claimant was not eligible to receive emergency unemployment compensation benefits on her July 12, 2009 claim because she was monetarily eligible for *regular* unemployment insurance benefits. Claimant was not eligible for the EUC benefits she received for the period of July 10, 2011 through September 3, 2011.

James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

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