

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LISA L SEAMAN
Claimant

APPEAL NO. 12A-UI-04603-A

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/08/09
Claimant: Appellant (1)

Public Law 110-252 – Emergency Unemployment Compensation

STATEMENT OF THE CASE:

Lisa L. Seaman filed a timely appeal from an unemployment insurance decision dated April 12, 2012, reference 02, that ruled she was ineligible to receive emergency unemployment compensation benefits effective July 3, 2011 based on her state unemployment insurance claim effective March 8, 2009 but that she was eligible for emergency unemployment compensation benefits based on her state claim filed effective March 7, 2010. After due notice was issued, a hearing was held in Spencer, Iowa May 24, 2012 with Ms. Seaman participating and presenting additional testimony by her husband, Jeff Seaman. Claimant Exhibits A through D and Agency Exhibits D-1 through D-7 were admitted into evidence. The administrative law judge takes official notice of agency benefit payment records.

ISSUE:

Effective July 3, 2011 is the claimant eligible to receive emergency unemployment compensation benefits based on her March 8, 2009 state claim?

FINDINGS OF FACT:

Lisa L. Seaman filed a claim for unemployment insurance benefits effective March 8, 2009. Her weekly benefit amount was \$361.00. She received benefits on that claim through the week ending February 13, 2010. She then opened a new benefit year effective Sunday, March 7, 2010. Her weekly benefit amount was \$388.00. She exhausted her state unemployment insurance benefits the week of August 21, 2010. She then received emergency unemployment compensation benefits totaling \$6,656.79. She opened a new benefit year the week of July 3, 2011. Her weekly benefit amount was \$115.00. Misapplying Public Law 111-205 the Agency paid benefits to Ms. Seaman at her weekly benefit amount for her March 8, 2009 claim, a claim which expired March 7, 2010.

REASONING AND CONCLUSIONS OF LAW:

Public Law 110-252 is the federal statute creating the Emergency Unemployment Compensation Program and establishing eligibility requirements. The original wording of the

law was that an individual could not receive emergency unemployment compensation benefits for any week for which the individual was monetarily eligible for regular state unemployment insurance benefits from any state. Public Law 111-205 modified the eligibility requirements. It provides that under some circumstances an individual who is monetarily eligible for regular state unemployment insurance benefits can nevertheless receive emergency unemployment compensation benefits based on a state claim that was in effect on July 22, 2010, the effective date of the law. The agency did not discover its error until April 12, 2012. By that time Ms. Seaman had received emergency unemployment compensation benefits in excess of what she would have received had the agency properly applied the federal law.

As noted in the findings of fact, Public Law 111-205 which became effective July 22, 2010 did not allow the agency to pay benefits on her 2011 claim based on her 2009 state claim. As a result of the agency's error, Ms. Seaman has received more in emergency unemployment compensation than she should have received.

DECISION:

The unemployment insurance decision dated April 12, 2012, reference 02, is affirmed. Effective July 3, 2011 the claimant is ineligible to receive emergency unemployment compensation benefits based on her March 8, 2009 state unemployment insurance claim.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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