

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ADELE C BINNI
Claimant

APPEAL 21A-UI-20675-AR-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 04/05/20
Claimant: Appellant (2)

PL 116-136, Sec. 2107 – Federal Pandemic Emergency Unemployment Compensation

STATEMENT OF THE CASE:

On September 16, 2021, claimant, Adele C. Binni, filed an appeal from the September 9, 2021, (reference 01) unemployment insurance decision that denied Pandemic Emergency Unemployment Compensation (PEUC) benefits effective November 8, 2020, due to monetary eligibility in another state. After due notice was issued, a hearing was held on Monday, November 15, 2021, and was held together with appeal 21A-UI-20672-AR-T, 21A-UI-20677-AR-T, and 21A-UI-20680-AR-T. Claimant participated personally. The administrative law judge took official notice of the administrative record.

ISSUE:

Whether claimant is eligible for Pandemic Emergency Unemployment Compensation benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant last worked in Iowa in February 2020. At that time, she moved to New York. Shortly after she moved, she obtained a new job and began working before the COVID-19 pandemic took hold and significantly impacted claimant's ability to work.

Claimant filed a claim for benefits with an effective date of April 5, 2020, after her employer, Q Studio Lab, limited her hours due to the pandemic. She inquired with both Iowa and New York regarding where she should file, and was advised that Iowa was likely the most appropriate place to file for unemployment benefits.

The administrative record indicates that claimant's New York wages were both transferred to Iowa and used in their entirety by Iowa to calculate claimant's weekly benefit amount and maximum benefit amount. This is reflected in the administrative record on the IB-5 Iowa-19 Report on Determination of Combined Wage Claim. She did not work or earn any wages in New York other than those reported to and used by Iowa to calculate her eligibility for benefits in Iowa.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant is eligible for PEUC benefits in Iowa.

PL 116-136, Sec 2107 provides in pertinent part:

PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION.

(2) PROVISIONS OF AGREEMENT. —

Any agreement under paragraph (1) shall provide that the State agency of the State will make payments of pandemic emergency unemployment compensation to individuals who—

(A) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before July 1, 2019);

(B) have no rights to regular compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law;

(C) are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

(D) are able to work, available to work, and actively seeking work.

The administrative record reflects that claimant is not monetarily eligible for UI benefits in New York, after all of her wage credits were transferred to and used by Iowa. In order to be eligible for PEUC, a claimant cannot be eligible for regular unemployment benefits in any other state. Because claimant is not monetarily eligible for UI in New York, claimant is eligible for PEUC in Iowa. Accordingly, PEUC is allowed effective November 8, 2020.

DECISION:

The September 9, 2021 (reference 01) unemployment insurance decision that determined claimant was not eligible for Pandemic Emergency Unemployment Compensation (PEUC) benefits is reversed.



Alexis D. Rowe
Administrative Law Judge

December 22, 2021
Decision Dated and Mailed

ar/mh