

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

DANNIE L CASKEY
Claimant

APPEAL NO. 12A-UI-04866-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 10/02/11
Claimant: Appellant (1)

Public Law 110-252 – Emergency Unemployment Compensation
Section 96.6-2 – Timely Appeal

STATEMENT OF THE CASE:

Dannie L. Caskey filed an appeal from an unemployment insurance decision dated April 10, 2012, reference 02, that ruled he was ineligible for Emergency Unemployment Compensation benefits effective March 4, 2012 upon a finding that he was monetarily eligible for a state unemployment insurance claim in Nebraska as of that date. After due notice was issued, a telephone hearing was held May 29, 2012 with Mr. Caskey participating. Exhibit D-1 was admitted into evidence. This matter is considered on a consolidated record with 12A-UI-04867-AT. The administrative law judge takes official notice of agency benefit payment records and repayment records.

ISSUES:

Does the administrative law judge have jurisdiction to rule on the merits of this case?
Is the claimant eligible for Emergency Unemployment Compensation effective March 4, 2012?

FINDINGS OF FACT:

Dannie L. Caskey filed a claim for unemployment insurance benefits in Iowa effective October 2, 2011. He exhausted his state benefits the week ending March 3, 2012. In short succession, he received correspondence from Iowa Workforce Development advising him that he was eligible for Emergency Unemployment Compensation based on that claim and conflicting correspondence indicating that he was monetarily eligible for state unemployment insurance benefits from Nebraska effective March 4, 2012. He took the first letter to his local workforce development center. A representative confirmed that he would be eligible for Emergency Unemployment Compensation based on his Iowa claim. Mr. Caskey did not tell the representative about the correspondence indicating he would be monetarily eligible in Nebraska. He continued to receive Emergency Unemployment Compensation through Iowa for five weeks until he received a letter saying that he had been overpaid by \$2,000.00 for the five weeks ending April 7, 2012 because he was monetarily eligible for state benefits in Nebraska. He then filed an appeal.

REASONING AND CONCLUSIONS OF LAW:

The first question is whether the administrative law judge has jurisdiction to rule on the merits of this case. Iowa Code section 96.6-2 gives an individual ten days from the date of a fact-finding decision to file an appeal. Additional time for an appeal may be granted only if the delay is the fault of the United States Postal Service or Iowa Workforce Development. See 871 IAC 24.35. The administrative law judge concludes that the agency bears at least partial responsibility for the late appeal. A reasonable claimant can be confused by the form letter determinations that appear to give claimants options which the law does not really provide. Mr. Caskey filed a timely appeal from the second decision, the one advising of an overpayment, when the agency's message became clear to him. Under these circumstances, the administrative law judge concludes that he has jurisdiction to rule on the merits of the case.

Public Law 110-252 is the act of congress that created the Emergency Unemployment Compensation Program and established eligibility requirements. An important provision of the federal law is that an individual cannot receive the extended benefits for any week that the individual is monetarily eligible for regular state unemployment insurance benefits. Since Mr. Caskey was, in fact, monetarily eligible for state benefits in Nebraska beginning March 4, 2012, federal law does not allow him the option of receiving Emergency Unemployment Compensation benefits through Iowa instead.

DECISION:

The unemployment insurance decision dated April 10, 2012, reference 02, is affirmed. The claimant is not eligible for Emergency Unemployment Compensation benefits through Iowa effective March 4, 2012.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs