

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

BARBARA H COBORN

Claimant

APPEAL NO. 13A-UI-06719-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 07/22/12

Claimant: Appellant (1)

Public Law 110-252, Title IV – Eligibility for Emergency Unemployment Compensation
Section 96.6-2 – Timeliness of Appeal

STATEMENT OF THE CASE:

Barbara Coborn appealed an unemployment insurance decision dated May 1, 2013, reference 02, that concluded she was not eligible for Emergency Unemployment Compensation (EUC) effective January 27, 2013, because she was eligible for benefits in Illinois. A telephone hearing was held on July 10, 2013. Coburn participated in the hearing. After the hearing, she sent determinations from the state of Illinois dated May 2, May 22, June 3, June 11, and June 13, 2013. Those documents will be admitted into evidence as Exhibit A. Official notice is taken of the Agency's records regarding the Coburn's unemployment insurance claim, which show she currently has a claim in effect in Illinois effective January 27, 2013, and has received benefit payments on that claim. They also showed that as of July 10, the State of Illinois reported the claimant had an overpayment of \$4,569.50 and on August 6, 2013, that overpayment was reduced to \$736.50. The State of Iowa records, however, still show the overpayment balance as \$4,569.50. If Coburn objects to taking official notice of these facts, the objection must be submitted in writing no later than seven days after the date of this decision.

ISSUE:

Is Barbara Coborn ineligible for EUC benefits?

FINDINGS OF FACT:

Barbara Coborn filed a new claim for unemployment insurance benefits in Iowa with an effective date of July 22, 2012. She received the maximum regular benefits available on that claim as of January 26, 2013.

She filed for and began receiving EUC benefits starting with the week of January 27, 2013. She continued receiving EUC benefits through the week ending April 20, 2013. She received \$4,569.50 in benefits during this time.

As of January 27, 2013, Coborn was eligible for benefits in Illinois as shown by the decision by the Illinois Department of Employment Security issued June 13, 2013.

An unemployment insurance decision was mailed to the Coborn's last-known address of record on May 1, 2013. The decision concluded she was not eligible for EUC benefits in Iowa because she was eligible for benefits in Illinois and stated the decision was final unless a written appeal was postmarked or received by the Appeals Section by May 11, 2013.

Coborn received the decision within the ten-day period for appealing the decision. She filed a written appeal on June 4, 2013, which is after the period for appealing had expired. She delayed in filing her appeal because she was led to believe by employees of Illinois Department of Employment Security that she would be receiving benefits through Illinois, which would eliminate the need for the appeal. She appealed when she began receiving multiple decisions that she was not eligible for benefits in Illinois, and no one could explain what the problem was

REASONING AND CONCLUSIONS OF LAW:

The first issue in this case is whether Barbara Coborn filed a timely appeal. The unemployment insurance law states that a decision is final if it is not appealed within ten days after the decision is mailed to the party's last known address. Iowa Code § 96.6-2: A failure to file a timely appeal is excused if it is due to an Agency error or misinformation or delay or other action of the United States Postal Service. 871 IAC 24.35(2).

I conclude that Coborn's appeal should be deemed timely because she was led to believe from employees of Illinois Department of Employment Security that she would be receiving benefits through Illinois but then started receiving contrary decisions.

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 unemployment compensation benefits.

Coborn was ineligible for the EUC in Iowa effective January 27, 2013, and afterward because she is eligible for unemployment insurance benefits in Illinois.

DECISION:

The unemployment insurance decision dated May 1, 2013, reference 02, is affirmed. Barbara Coborn was ineligible for the EUC in Iowa effective January 27, 2013, and afterward because she is eligible for benefits in Illinois.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css