

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CONNIE J TOPE**  
Claimant

**APPEAL NO. 10A-UI-04310-LT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 07/13/08**  
**Claimant: Appellant (1)**

Iowa Code § 96.19(20) - Exhaustee  
Extended Unemployment Compensation (EUC) Act of 2008

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the March 10, 2010 (reference 01) decision that denied the claim for emergency unemployment compensation (EUC) benefits. After due notice was issued, a telephone conference hearing was held on April 28, 2010. Claimant participated.

**ISSUE:**

The issue is whether claimant is eligible for EUC benefits.

**FINDINGS OF FACT:**

Having heard the testimony and having reviewed the evidence in the record, the administrative law judge finds: The claimant filed an original unemployment insurance (UI) claim effective July 13, 2008.

The claimant is eligible for a regular UI claim because of wages from part-time employer Moore Company (015551) during the first, second, third, and fourth quarters of 2009.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant is not eligible for EUC benefits.

Iowa Code § 96.19(20) provides:

(20) *"Exhaustee"* means an individual who, with respect to any week of unemployment in the individual's eligibility period has received, prior to such week, all of the regular benefits that were available to the individual under this chapter or any other state law (including dependents' allowances and benefits payable to federal civilian employees and former armed forces personnel under 5 U.S.C. ch. 85) in the individual's current benefit year that includes such weeks. Provided that for the purposes of this subsection

an individual shall be deemed to have received all of the regular benefits that were available to the individual, although as a result of a pending appeal with respect to wages that were not considered in the original monetary determination in the individual's benefit year the individual may subsequently be determined to be entitled to add regular benefits, or:

*a.* The individual's benefit year having expired prior to such week, has no, or insufficient, wages and on the basis of which the individual could establish a new benefit year that would include such week, and

*b.* The individual has no right to unemployment benefits or allowances under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Automotive Products Trade Act of 1965, and such other federal laws as are specified in regulations issued by the United States secretary of labor, and the individual has not received and is not seeking unemployment benefits under the unemployment compensation law of Canada, but if the individual is seeking such benefits and the appropriate agency finally determines that the individual is not entitled to benefits under such law the individual is considered an exhaustee.

Since claimant has an active claim for regular UI benefits, she is not eligible for EUC benefits in Iowa.

**DECISION:**

The March 10, 2010 (reference 01) decision is affirmed. The claimant is not eligible for EUC benefits.

---

Dévon M. Lewis  
Administrative Law Judge

---

Decision Dated and Mailed

dml/pjs