

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JOSEPH T SANDERS
Claimant

APPEAL NO. 11A-EUCU-00164-PT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/11/09
Claimant: Appellant (1)**

Public Law 110-252 – Emergency Unemployment Compensation
Section 96.19-20 – Definition of Exhaustee

STATEMENT OF THE CASE:

Claimant filed an appeal from a decision of a representative dated February 11, 2011, reference 02, which held claimant ineligible for unemployment insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on March 5, 2011. Claimant participated.

ISSUE:

Whether claimant is eligible for emergency unemployment compensation because he is eligible for regular unemployment insurance benefits.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and having considered all of the evidence in the record, finds:

The claimant filed a regular unemployment insurance claim effective July 4, 2010, for which he is eligible for benefits.

REASONING AND CONCLUSIONS OF LAW:

The Emergency Unemployment Compensation (EUC) program was created by Public Law 110-252, Title VI. This new temporary unemployment insurance program provides up to 13 additional weeks of unemployment benefits to certain workers who have exhausted their rights to regular unemployment compensation benefits.

In order to receive extended unemployment insurance benefits (EUC), a person must be an "exhaustee" within the meaning of unemployment insurance law. Pursuant to Iowa Code § 96.19(20), a person is not an "exhaustee" if he is monetarily eligible for regular unemployment insurance benefits in Iowa or another state.

Because the claimant is monetarily eligible to receive regular unemployment insurance benefits, he is not an "exhaustee" for purposes of receiving federal extended unemployment

compensation benefits (EUCU). The claimant is not eligible to receive Emergency Unemployment Compensation benefits, because he is eligible for regular benefits on his regular claim filed effective July 4, 2011.

DECISION:

The decision of the representative dated February 10, 2011, reference 02, is affirmed. The claimant is not eligible to receive Emergency Unemployment Compensation benefits, because he is eligible on a regular claim.

Ron Pohlman
Administrative Law Judge

Decision Dated and Mailed

rrp/kjw