

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

LYNNETTE M BORER
Claimant

APPEAL NO. 12A-UI-01028-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 06/07/09
Claimant: Appellant (1)

Public Law 110-252 – Emergency Unemployment Compensation
Public Law 111-205 – Emergency Unemployment Compensation

STATEMENT OF THE CASE:

Lynnette M. Borer filed a timely appeal from an unemployment insurance decision dated January 19, 2012, reference 01, that ruled she was not eligible to receive Emergency Unemployment Compensation benefits based on her July 7, 2009 benefit year effective July 10, 2011 because she was first required to exhaust her state unemployment insurance benefits for a state claim effective July 10, 2011. After due notice was issued, a telephone hearing was held on February 27, 2012 with Ms. Borer participating. Darrell Borer also participated in the hearing. This matter is considered on a consolidated record with 12A-UI-01029-AT.

ISSUE:

Was the claimant eligible to continue receiving Emergency Unemployment Compensation as of July 10, 2011?

FINDINGS OF FACT:

Lynnette M. Borer was monetarily eligible for state unemployment insurance benefits with a maximum benefit amount of \$1,238.03 and weekly benefit amount of \$86.00 effective July 10, 2011. At the time Ms. Borer was receiving Emergency Unemployment Compensation at the rate of \$286.00 per week based on her state unemployment insurance claim that had been filed July 7, 2009. The 2009 benefit year ended on June 6, 2010.

REASONING AND CONCLUSIONS OF LAW:

Public Law 110-252 is the federal statute that established the Emergency Unemployment Compensation Program and established eligibility requirements. One eligibility requirement is that an individual is not entitled to receive Emergency Unemployment Compensation benefits for any week that the individual is monetarily eligible for state unemployment insurance benefits. Public 111-205 created a limited exception to this rule. It provided that an individual could continue to receive Emergency Unemployment Compensation on a prior claim if the state

weekly benefit amount was more than \$100.00 less than the original weekly benefit amount. This exception, however, applied only to benefit years that expired after July 22, 2010.

Ms. Borer did not qualify for the exception because her original benefit year expired June 6, 2010, before the effective date of Public Law 111-205. Because of this, Ms. Borer could receive state unemployment insurance benefits beginning July 10, 2011 through October 22, 2011, the week in which her state unemployment insurance benefits were exhausted.

DECISION:

The unemployment insurance decision dated January 19, 2012, reference 01, is affirmed. The claimant was not eligible to receive Emergency Unemployment Compensation benefits based on her June 7, 2009 state benefit year from July 10, 2011 through October 22, 2011.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs