

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHELLE A FISTER
Claimant

APPEAL NO: 10A-UI-16108-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

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

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

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's November 12, 2010 determination (reference 03) that held she was not eligible to receive Emergency Unemployment Compensation benefits from her November 1, 2009 Iowa claim as of May 9, 2010, because she was monetarily eligible to receive regular benefits from Illinois. The claimant participated in the phone hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge concludes the claimant is not eligible to receive Emergency Unemployment Compensation benefits from Iowa as of May 9, 2010.

ISSUE:

As of May 9, 2010, is the claimant eligible to receive Emergency Unemployment Compensation benefits based on her November 9, 2009 Iowa claim or is she eligible to receive regular benefits from Illinois?

FINDINGS OF FACT:

The claimant established a claim for benefits in Iowa during the week of November 1, 2009. She received regular unemployment insurance benefits from Iowa through the week ending May 8, 2010. She started receiving Emergency Unemployment Compensation benefits from Iowa the week of May 9, 2010.

The claimant did not know or understand she should have checked with Illinois in May to see if she was monetarily eligible to receive regular benefits from Illinois. When claimant's first benefit year ended on October 30, 2010, a representative apparently reviewed the claimant's wages and determined she could have been monetarily eligible to receive regular benefits from Illinois as of May 9, 2010. The claimant was then instructed to immediately file a claim for regular benefits in Illinois and have it backdated to May 9, 2010. The claimant followed these instructions.

Illinois determined the claimant was eligible to receive regular benefits as of May 9, 2010, and held her monetarily eligible to receive \$503.00 a week. Illinois paid the claimant regular benefits for the weeks ending May 15 through November 6, 2010.

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 additional weeks of unemployment benefits to certain workers who have exhausted their rights to regular unemployment compensation benefits. 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 she is monetarily eligible for regular unemployment insurance benefits in Iowa or another state.

As soon as an Iowa representative directed the claimant to file a claim in Illinois and request that it be backdated to May 9, 2010, the claimant did this. Illinois held her monetarily eligible to receive regular benefits of \$503.00 a week from Illinois as of May 9, 2010.

As of May 9, 2010, the claimant is not an "exhaustee" for purposes of receiving federal extended unemployment compensation benefits (EUCU). As of May 9, 2010, the claimant is not eligible to receive Emergency Unemployment Compensation benefits from Iowa based on her November 1, 2009 claim.

DECISION:

The representative's November 12, 2010 determination (reference 03) is affirmed. As of May 9, 2010, the claimant is not an "exhaustee" for purposes of receiving federal extended unemployment compensation benefits from Iowa, and is not eligible to receive Emergency Unemployment Compensation benefits from Iowa based on her November 1, 2009 claim.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css