

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

RICKY L ANDERSON
Claimant

APPEAL NO. 14A-UI-07923-SWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 08/11/13
Claimant: Appellant (1)

Public Law 110-252, Title IV – Eligibility for Emergency Unemployment Compensation

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated July 18, 2014, reference 01, that concluded he was not eligible for Emergency Unemployment Compensation in Iowa because he had balance left of his EUC benefits in Missouri. A telephone hearing was held on August 25, 2014. The claimant participated in the hearing.

ISSUE:

Is the claimant eligible for EUC benefits Iowa?

FINDINGS OF FACT:

The claimant filed a claim for unemployment insurance benefits in Missouri effective September 12, 2010. He exhausted regular benefits and began receiving EUC benefits in Missouri. The claimant did not draw all the EUC benefits available on that claim.

The claimant filed a new claim for unemployment insurance benefits in Iowa effective August 11, 2013. His weekly benefit amount was \$394. As of November 23, 2013, the claimant exhausted the regular benefits available on his Iowa claim.

The claimant sought advice from an Iowa Workforce Development advisor about his eligibility for additional benefits. He was encouraged to file for EUC benefits in Iowa. Based on that advice the claimant filed for and received Iowa EUC benefits as follows:

Week Ending Date	Iowa EUC Benefits Received
11-30-13	\$352
12-7-13	\$394
12-14-13	\$394
12-21-13	\$394
12-28-13	\$394
Total	\$1,928

In July 2014, IWD discovered the claimant had EUC benefits available in Missouri on the claim with an effective date of September 12, 2010. The decision instructed the claimant to file an EUC claim in Missouri to receive the benefits due him on that claim. The claimant did receive EUC benefits from Missouri but has not applied those benefits to the overpayment balance in Iowa.

REASONING AND CONCLUSIONS OF LAW:

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 regular unemployment compensation benefits.

The law at Section 4001 provides

SEC. 4001. (a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this title with the Secretary of Labor (in this title referred to as the “Secretary”). Any State which is a party to an agreement under this title may, upon providing 30 days’ written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of emergency unemployment compensation to individuals who—

- (1) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before May 1, 2007);
- (2) have no rights to regular compensation or extended compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law ...; and
- (3) are not receiving compensation with respect to such week under the unemployment compensation law of Canada.

The United States Department of Labor has provided guidance on interpreting the statute stating that claimants must draw against their first EUC claim and cannot draw against a second EUC claim based on a most recent UC benefit year until all the first EUC claim benefits are exhausted. Unemployment Insurance Program Letter No. 23-08, Change 1, Attachment 1, Question and Answer 7, page 4-5. This is a reasonable interpretation of the statute.

The claimant was ineligible for the EUC as of November 24, 2013, and afterward because he was eligible for EUC in Missouri.

DECISION:

The unemployment insurance decision dated July 18, 2014, reference 01, is affirmed. The claimant was ineligible for the EUC as of November 24, 2013, and afterward because he was eligible for EUC in Missouri.

Steven A. Wise
Administrative Law Judge

Decision Dated and Mailed

saw/css