

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**DAMON N SWANNER**  
Claimant

**APPEAL NO. 09A-EUCU-00527-LT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**Original Claim: 07/05/09  
Claimant: Appellant (1)**

Extended Unemployment Compensation (EUC) Act of 2008

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the December 9, 2009, reference 02, decision that denied the claim for emergency unemployment compensation (EUC) benefits. After due notice was issued, a telephone conference hearing was held on January 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 5, 2009. The claimant exhausted his entitlement to UI benefits the week ending September 19, 2009. During the base period for that claim, the claimant had wages as follows: second quarter 2008 (\$9100), third quarter 2008 (\$2037), fourth quarter 2008 (\$1471), and first quarter 2009 (\$0). One and one-half times the wages of the highest quarter of the base period during the regular claim is \$13,650.

**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 up to 13 additional weeks of unemployment benefits to certain workers who have exhausted their rights to regular unemployment compensation benefits.

Section 4001(d)(2)(A) of the EUC Act states that persons shall not be eligible for EUC unless they have "20 weeks of full-time insured employment or the equivalent in insured wages" in their base period as determined by the state law implementing the Extended Unemployment Compensation Act of 1970.

The Extended Unemployment Compensation Act of 1970 allowed states to choose one of three methods for determining an “equivalent of 20 weeks of full-time insured employment.” The method Iowa chose is in Iowa Code § 96.29(1)c, which requires claimants have total base period wages of at least 1.5 times the wages paid during the quarter of the base period in which their wages were highest.

The claimant is not eligible for EUC, because the total wages in the base period (\$12,608) were not at least 1.5 times his high quarter wages (\$13,650).

**DECISION:**

The December 9, 2009 (reference 02) decision is affirmed. The claimant does not have sufficient wages in the base period to qualify for EUC benefits.

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Dévon M. Lewis  
Administrative Law Judge

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Decision Dated and Mailed

dml/kjw