

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GEORGE W MURPHY
Claimant

APPEAL NO: 13A-UI-04303-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 07/15/12
Claimant: Appellant (1)

Section 96.19-20 – Federal Extension Benefits/Exhaustee

STATEMENT OF THE CASE:

The claimant appealed a department representative's April 5, 2013 decision (reference 02) that denied his request for emergency unemployment benefits (EUC) effective January 20, 2013, because he was eligible for regular unemployment benefits in the state of Florida. A telephone hearing was held on May 4, 2013. The claimant participated.

ISSUE:

Whether claimant is eligible for emergency unemployment benefits (EUC).

FINDINGS OF FACT:

The claimant moved to Florida after his layoff from employment at Piper aircraft. He had filed a regular Iowa UI claim effective July 15, 2012. He claimed for and received all UI benefits on this claim.

He consulted with a Florida UI representative who let him know he was eligible for benefits in that state, but he should check with Iowa since he had a more extensive employment record in this state. Claimant had established his eligibility for EUC benefits effective January 20, 2013. When he checked with an Iowa department representative he was given the "green light" to continue to claim for EUC benefits on his claim even though he disclosed his Florida eligibility for regular UI benefits.

The department record shows claimant claimed for and received EUC benefits totaling \$3,960.00 for a ten-week period until the disqualification was imposed in this matter. Claimant subsequently filed a Florida UI regular claim and is receiving benefits.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.19(20) provides:

(20) "Exhaustee" means an individual who, with respect to any week of unemployment in the individual's eligibility period has received, prior to such week, all of the regular

benefits that were available to the individual under this chapter or any other state law (including dependents' allowances and benefits payable to federal civilian employees and former armed forces personnel under 5 U.S.C. ch. 85) in the individual's current benefit year that includes such weeks. Provided that for the purposes of this subsection an individual shall be deemed to have received all of the regular benefits that were available to the individual, although as a result of a pending appeal with respect to wages that were not considered in the original monetary determination in the individual's benefit year the individual may subsequently be determined to be entitled to add regular benefits, or:

- a. The individual's benefit year having expired prior to such week, has no, or insufficient, wages and on the basis of which the individual could establish a new benefit year that would include such week, and
- b. The individual has no right to unemployment benefits or allowances under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Automotive Products Trade Act of 1965, and such other federal laws as are specified in regulations issued by the United States secretary of labor, and the individual has not received and is not seeking unemployment benefits under the unemployment compensation law of Canada, but if the individual is seeking such benefits and the appropriate agency finally determines that the individual is not entitled to benefits under such law the individual is considered an exhaustee.

The administrative law judge concludes claimant is NOT eligible for emergency unemployment benefits (EUC) through the State of Iowa effective January 20, 2013.

Although claimant established a regular Iowa UI claim in July 2012, exhausted benefits on that claim, and then was eligible for and did receive EUC benefits through Iowa from January 20, 2013 into late March, he is NOT an "exhaustee" based on his regular Florida UI eligibility claim.

While it appears claimant made a full disclosure of his UI benefit status in Florida to Iowa and received miss-information about continuing his Iowa EUC claim, it does not obviate the exhaustee requirement for EUC eligibility. Even though he established the EUC claim and was receiving benefits prior to Florida eligibility information, it does not change the exhaustee requirement.

This ALJ does not have the discretion to change a federal program eligibility requirement.

DECISION:

The department representative's April 5, 2013 decision (reference 02) is affirmed. The claimant is NOT eligible to receive EUC benefits effective January 20, 2013.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

dlw/tll