

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CHARLES E BEARD
Claimant

APPEAL 20A-UI-07887-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 12/08/19
Claimant: Appellant (1)**

PL 116-136 Section 2107 – Pandemic Emergency Unemployment Compensation

STATEMENT OF THE CASE:

Charles Beard (claimant) appealed a representative's June 24, 2020, decision (reference 01) that concluded the claimant was not eligible to receive Pandemic Emergency Unemployment Compensation. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was scheduled to be held on August 18, 2020. The claimant participated personally. The administrative law judge took official notice of the administrative file.

ISSUE:

The issue is whether the claimant is eligible to receive Pandemic Emergency Unemployment Compensation.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds that: The claimant filed for unemployment insurance benefits in Iowa with an effective date of December 8, 2019. His weekly benefit amount was determined to be \$500.00. The claimant exhausted his maximum benefit amount on June 20, 2020.

On June 16, 2020 the department (IWD), issued the claimant a letter of eligibility for Pandemic Emergency Unemployment Compensation. Later, IWD discovered the claimant would be monetarily eligible for unemployment insurance benefits in South Dakota. On June 24, 2020, the department (IWD) issued the claimant a letter denying eligibility for Pandemic Emergency Unemployment Compensation based on his monetary eligibility for benefits in South Dakota.

The claimant filed a claim for unemployment insurance benefits with an effective date of July 12, 2020, based on the denial letter of June 24, 2020. South Dakota has not issued him any indication of whether he is eligible to receive unemployment insurance benefits in South Dakota.

REASONING AND CONCLUSIONS OF LAW:

PL116-136, Sec. 2107 provides, in pertinent part:

(a) Provisions of Agreement

...

(2) Any agreement under paragraph (1) shall provide that the State agency of the State will make payments of pandemic emergency unemployment compensation to individuals who –

(A) 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 July 1, 2019);

(B) have no rights to regular compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law;..

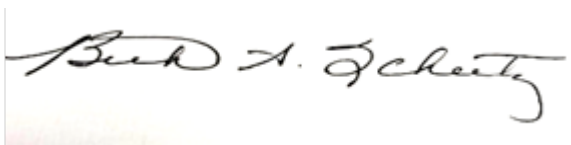
(C) are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and;

(D) are able to work, available to work, and actively seeking work.

A worker must exhaust all his rights to unemployment insurance benefits and be able and available for work to be eligible for Pandemic Emergency Unemployment Compensation. When a worker is eligible to receive regular unemployment insurance benefits, he is not eligible to receive Pandemic Emergency Unemployment Compensation. The claimant is monetarily eligible to receive regular unemployment insurance benefits in South Dakota. He is not eligible to receive Pandemic Emergency Unemployment Compensation.

DECISION:

The June 24, 2020, (reference 01) unemployment insurance decision is affirmed. The claimant is not eligible to receive Pandemic Emergency Unemployment Compensation because he is monetarily eligible to received unemployment insurance benefits in South Dakota.



Beth A. Scheetz
Administrative Law Judge
Unemployment Insurance Appeals Bureau
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Des Moines, Iowa 50319-0209
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August 24, 2020
Decision Dated and Mailed

bas/scn