

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**CARLOS F ESTRADA**  
Claimant

**APPEAL NO. 11A-EUCU-00126-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 12/28/08**  
**Claimant: Appellant (1)**

Public Law 110-252 – Emergency Unemployment Compensation  
Iowa Code § 96.19(20) – Definition of Exhaustee

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's February 1, 2011 determination (reference 04) that held him ineligible as of December 26, 2010, to receive Emergency Unemployment Compensation benefits based on his December 28, 2008 claim because he was eligible to regular unemployment insurance benefits. The claimant participated in the hearing. Ike Rocha interpreted the hearing. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge concludes that as of December 26, 2010, the claimant was eligible to receive regular unemployment insurance benefits, but not Emergency Unemployment Compensation benefits.

**ISSUE:**

As of December 26, 2010, is the claimant eligible to receive Emergency Unemployment Compensation benefits or regular unemployment insurance benefits?

**FINDINGS OF FACT:**

The claimant established a claim for benefits during the week of December 28, 2008. After he exhausted his regular unemployment insurance benefits under his December 27, 2009 claim, the Department paid him Emergency Unemployment Compensation benefits under his December 28, 2008 claim as of October 9, 2010.

The claimant's December 27, 2009 benefit year ended on December 25, 2010. Instead, of reviewing his wages to see if he was eligible to receive regular unemployment insurance benefits in a subsequent benefit year, the Department continued to pay the claimant Emergency Unemployment Compensation benefits.

A benefit year established as of December 26, 2010, looks at wage credits earned from July 1, 2009, through June 30, 2010. The claimant worked and earned wages from the following employers:

<b>Employer</b>	<b>2008/3</b>	<b>2008/4</b>	<b>2009/1</b>	<b>2009/2</b>
T K Concrete, Inc.	\$8,127	\$6,947	\$144	\$1,060
OMG Midwest, Inc.	\$49	\$1,603		

Based on these wage credits, the claimant was monetarily eligible to receive \$404.00 a week in benefits as of December 26, 2010. Based on his December 28, 2008 claim, the claimant was monetarily eligible to receive maximum weekly benefit amount of \$409.00.

#### **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 he is monetarily eligible for regular unemployment insurance benefits in Iowa or another state.

Based on the wages the claimant received from July 1, 2009, through June 30, 2010, he is monetarily eligible to receive \$404.00 a week in regular unemployment insurance benefits as of December 26, 2010.

As of December 26, 2010, the claimant is not an "exhaustee" for purposes of receiving federal extended unemployment compensation benefits (EUC). Therefore, as of December 26, 2010, the claimant was not eligible to receive Emergency Unemployment Compensation benefits based on his December 28, 2008 claim. The claimant was instead eligible to receive regular unemployment insurance benefits.

#### **DECISION:**

The representative's February 1, 2011 determination (reference 04) is affirmed. The claimant is monetarily eligible to receive regular unemployment insurance as of as of December 26, 2010. Therefore, he is not eligible to receive Emergency Unemployment Compensation benefits as of this date.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/kjw