

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CARL R WHITSON
Claimant

APPEAL NO. 09A-UI-18120-CT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

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

Section 96.19(20) – Definition of Exhaustee

STATEMENT OF THE CASE:

Carl Whitson filed an appeal from a representative's decision dated November 18, 2009, reference 01, which held he was not eligible for emergency unemployment compensation on an Iowa claim because he was eligible to receive benefits on a Minnesota claim. After due notice was issued, a hearing was held by telephone on January 25, 2010. Mr. Whitson participated personally.

ISSUE:

At issue in this matter is whether Mr. Whitson was eligible to receive emergency unemployment benefits on his Iowa claim.

FINDINGS OF FACT:

Having heard the testimony and having reviewed all of the evidence in the record, the administrative law judge finds: Mr. Whitson filed an Iowa claim for emergency unemployment compensation effective August 2, 2009. He was paid benefits on the claim. It was subsequently determined that he was eligible to file a claim for regular unemployment benefits in Minnesota effective August 2, 2009 based on wages earned in that state.

REASONING AND CONCLUSIONS OF LAW:

In order to receive emergency unemployment benefits, an individual must be an "exhaustee." This means that the individual is not eligible to receive regular unemployment benefits in any state. Iowa Code section 96.19(20). Because Mr. Whitson was eligible to receive regular unemployment benefits in Minnesota as of August 2, 2009, he was not an exhaustee within the meaning of the law. Therefore, he was not eligible to receive emergency unemployment benefits in Iowa effective August 2, 2009.

Mr. Whitson has not yet been assessed an overpayment regarding emergency unemployment benefits he received on his Iowa claim beginning August 2, 2009. He should check with his local office to determine if there will be a recovery of such benefits. He may need to file a

Minnesota claim so that any benefits owed him by Minnesota could possibly be offset against any overpayment assessed in Iowa for the same period.

DECISION:

The representative's decision dated November 18, 2009, reference 01, is hereby affirmed. Mr. Whitson was ineligible to receive emergency unemployment benefits in Iowa effective August 2, 2009 because he was eligible to receive regular unemployment benefits in Minnesota effective August 2, 2009.

Carolyn F. Coleman
Administrative Law Judge

Decision Dated and Mailed

cfc/css