

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

IRENE LEWIS-MCCORMICK
Claimant

APPEAL 20A-UI-13077-S1-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/12/20
Claimant: Appellant (1)**

PL 116-136 Section 2107 – Pandemic Emergency Unemployment Compensation

STATEMENT OF THE CASE:

Irene Lewis-McCormick (claimant) appealed a representative's October 16, 2020, decision (reference 02) 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 December 18, 2020. The claimant participated personally. The administrative law judge took official notice of the administrative file.

ISSUES:

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 January 12, 2020. Her weekly benefit amount was determined to be \$500.00. The claimant exhausted her maximum benefit amount the week ending August 1, 2020. Her base period of employment was from the fourth quarter of 2018, through the third quarter of 2019. The claimant's maximum benefit amount for her January 12, 2020 original claim is \$13,000.00. She filed weekly continued claims from January 12, 2020, through August 1, 2020, and exhausted her maximum benefit amount during those weeks.

The claimant also filed a claim for unemployment insurance benefits in Florida in January 2020 and has wages there from the second quarter of 2019, through the first quarter of 2020. Her weekly benefit amount is \$275.00. Florida has issued the claimant payments of \$275.00 for at least six weeks but the claimant is unaware of the payments.

REASONING AND CONCLUSIONS OF LAW:

PL 116-136 Sec 2107 provides in pertinent part:

PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION.

(2) PROVISIONS OF AGREEMENT. —

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

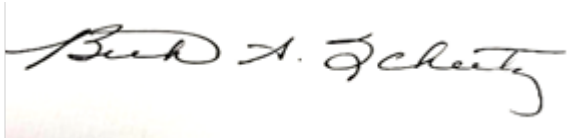
(D) are able to work, available to work, and actively seeking work.

(emphasis added).

A worker must exhaust all her 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, she is not eligible to receive Pandemic Emergency Unemployment Compensation. The claimant is monetarily eligible to receive regular unemployment insurance benefits in Florida. She is not eligible to receive Pandemic Emergency Unemployment Compensation. Pandemic Emergency Unemployment Compensation benefits are denied effective August 2, 2020.

DECISION:

The October 16, 2020, (reference 02) unemployment insurance decision is affirmed. The claimant is not eligible to receive Pandemic Emergency Unemployment Compensation because she is monetarily eligible to received unemployment insurance benefits in Florida. Pandemic Emergency Unemployment Compensation benefits are denied effective August 2, 2020.

A handwritten signature in black ink that reads "Beth A. Scheetz". The signature is written in a cursive style and is positioned above a horizontal line.

Beth A. Scheetz
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

December 30, 2020
Decision Dated and Mailed

bas/scn