

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JAIME M BURROUGHS

Claimant

APPEAL NO. 12A-UI-06312-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 01/09/11

Claimant: Appellant (1)

Public Law 110-252 – Emergency Unemployment Compensation

STATEMENT OF THE CASE:

Jaime M. Burroughs filed a timely appeal from an unemployment insurance decision dated May 21, 2012, reference 05, that ruled she was ineligible for emergency unemployment compensation benefits based on her Iowa claim filed January 9, 2011 because those benefits were put on the claim in error. The decision also stated that the claimant was eligible for emergency unemployment compensation benefits based on her Iowa claim filed effective January 8, 2012. Due notice was issued for a telephone hearing to be held June 26, 2012. Although Ms. Burroughs provided a telephone number at which she could be contacted, the number was answered by a recording stating that the number was no longer in service.

ISSUE:

Is the claimant eligible for emergency unemployment compensation based on her January 9, 2011 claim?

FINDINGS OF FACT:

Jaime M. Burroughs filed a state claim for unemployment insurance benefits effective January 8, 2012. She is monetarily eligible for emergency unemployment compensation benefits based on each claim. Through no fault of Ms. Burroughs, the agency initially paid emergency unemployment compensation benefits based on the 2011 claim before paying similar benefits based on the 2012 claim.

REASONING AND CONCLUSIONS OF LAW:

Public Law 110-252, the federal statute that created the Emergency Unemployment Compensation Program, also established eligibility requirements. The federal law requires that the federal extended benefits be paid on the most recent available benefit year, potentially working backward in time to prior benefit years if all other benefits are exhausted. In the present case, it appears from the record that the agency first paid emergency unemployment compensation to Ms. Burroughs based on the 2011 benefit year while it should have based

those benefits on the 2012 benefit year. This is significant to Ms. Burroughs because her weekly benefit amount for the 2012 benefit year is lower than it was for the 2011 year.

This error is in no way the fault of Ms. Burroughs. Nonetheless, the agency must follow the federal law.

DECISION:

The unemployment insurance decision dated May 21, 2012, reference 05, is affirmed.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

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