

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

HOWARD L LANGFORD
Claimant

APPEAL NO. 12A-UI-14748-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 05-20-12
Claimant: Appellant (1)**

Iowa Code Section 96.19(20) –Definition of an Exhaustee

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the December 5, 2012, reference 03, decision that denied extended unemployment insurance benefits. After due notice was issued, a hearing was held on January 31, 2013. The claimant did participate. Claimant's Exhibits A through F were entered and received into the record.

ISSUE:

Whether the claimant is eligible for Extended Unemployment Compensation benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was monetarily eligible to file a claim for regular unemployment insurance benefits in Nebraska. He last worked in Nebraska May 11, 2012. The claimant did begin receiving regular unemployment benefits from the state of Nebraska in December 2012.

REASONING AND CONCLUSIONS OF LAW:

Public Law 110-252, Section 4001(d)(2)(A) provides, in pertinent part:

An individual shall not be eligible for temporary extended unemployment compensation under this title unless, in the base period with respect to which the individual exhausted all rights to regular compensation under the State law, the individual had 20 weeks of full-time insured employment or the equivalent in insured wages, as determined under the provisions of the State law.

Iowa Code § 96.19(20) provides:

(20) "*Exhaustee*" means an individual who, with respect to any week of unemployment in the individual's eligibility period has received, prior to such week, all of the regular benefits that were available to the individual under this chapter or any other **state** law (including dependents' allowances and benefits payable to federal civilian employees and former armed forces

personnel under 5 U.S.C. ch. 85) in the individual's current benefit year that includes such weeks. The claimant was eligible for regular unemployment insurance benefits from the state of Nebraska in December 2012, thus he cannot be considered an exhaustee for purposes of extended unemployment insurance benefits. The claimant is not eligible for extended benefits in Iowa, but is currently receiving regular unemployment insurance benefits from the state of Nebraska.

DECISION:

The December 5, 2012, reference 03, decision is affirmed. The claimant is not eligible for EUC benefits in Iowa effective November 18, 2012 as he was monetarily eligible for regular unemployment insurance benefits in Nebraska.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/pjs