

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**JENNIFER S BERTHEL**  
Claimant

**APPEAL NO. 20A-UI-13105-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 03/15/20**  
**Claimant: Appellant (1)**

Public Law 116-136, Section 2107 – Pandemic Emergency Unemployment Compensation

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the October 8, 2020, reference 01, decision that denied Pandemic Emergency Unemployment Compensation (PEUC) benefits for the period beginning July 19, 2020, based on the deputy's conclusion that the claimant was monetarily eligible for regular benefits in Florida. After due notice was issued, a hearing was held on December 21, 2020. Claimant participated. Exhibit A was received into evidence. The administrative law judge took official notice of the following Agency administrative records: DBRO, KCCO, KPYX, WAGE-A and IBIQ. The administrative law judge hereby has taken official notice of applicable Florida unemployment insurance law and procedure.

**ISSUES:**

Whether the claimant is eligible for Pandemic Emergency Unemployment Compensation for the period beginning July 19, 2020.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established an Iowa combined wage claim that was effective March 15, 2020. Iowa Workforce Development set the weekly benefit amount for regular benefits at \$143.00.

The claimant's base period for the Iowa combined wage claim consisted of the fourth quarter of 2018 and the first, second and third quarters of 2019. The claimant's base period wages included Wisconsin wages for the fourth quarter of 2018 and the first quarter of 2019. The claimant's base period wages included \$53.19 in Florida wages for the third quarter of 2019.

The claimant made weekly claims for the period of March 15, 2020 through July 18, 2020, at which time she exhausted her regular benefit eligibility in connection with the Iowa Combined wage claim.

On October 8, 2020, an Iowa Workforce Development deputy entered the reference 01 decision that denied Pandemic Emergency Unemployment Compensation (PEUC) benefits for the period

beginning July 19, 2020, based on the deputy's conclusion that the claimant was monetarily eligible for regular benefits on a Florida combined wage claim for regular benefits.

The claimant was employed by a Radisson resort in Florida for 2.5 weeks in September 2019 before she returned to Iowa in October 2019. The claimant advises that her total wages from the Florida employer were between \$800.00 and \$900.00. As Florida reported only \$53.19 to Iowa as wages paid to the claimant during the third quarter of 2019, that would mean that the Radisson resort in Florida paid the claimant wages totaling several hundred dollars during the fourth quarter of 2019, which would have begun on October 1, 2019. The claimant has provided no pay records pertaining to the Florida employment.

The claimant advises that after Iowa Workforce Development entered the October 8, 2020, reference 01, decision that denied PEUC benefits, she attempted to establish a Florida combined wage claim. Florida defines its base period the same as Iowa. "Base period" means the first four of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year." Florida Code section 443.036(7). Thus, the claimant's base period for purposes of a Florida combined wage claim filed in the fourth quarter of 2020 would consist of the third and fourth quarters of 2019 and the first and second quarters of 2020.

Iowa Workforce Development records reflect the following wages during the four quarters that Florida would have used as the base period for an October 2020 combined wage claim:

Employer	2019/3	2019/4	2020/1	2020/2
Debbie's Westside Maid-Rite		1612.00	1644.00	1277.00
Molo Oil Co	935.00			
Florida	53.19			

Based on the claimant's testimony that her Florida wages totaled \$800.00 to \$900.00, it would be reasonable to add \$747.00 in Florida wages to the fourth quarter of 2019, as follows:

Employer	2019/3	2019/4	2020/1	2020/2
Debbie's Westside Maid-Rite		1612.00	1644.00	1277.00
Molo Oil Co	935.00			
Florida	53.19	747.00		

The claimant asserts that Florida never sent her anything in writing regarding her eligibility for benefits in connection with her application for a Florida combined wage claim. The claimant asserts that a Florida representative told her over the phone that she lacked sufficient earnings to be eligible for benefits in connection with a Florida claim. The claimant's characterization of Florida authorities' handling of and communication regarding that state's determination of her eligibility for regular benefits on a Florida combined wage claim does not comport with Florida law. The claimant got angry during a phone call with a Florida representative and hung up on the Florida representative, thus depriving herself of the opportunity to learn more.

#### **REASONING AND CONCLUSIONS OF LAW:**

To be eligible for benefits under the Pandemic Emergency Unemployment Compensation Program a claimant must (1) have exhausted all rights to regular compensation under the State law or under Federal law with response to a benefit year and (2) have no rights to regular compensation under such law or any other State unemployment compensation law or to compensation under any other Federal law. PL 116-136, Section 2107)(a)(2)(A) and (B). The claimant must also be able to work, available for work, and actively seeking work. PL 116-136, Section 2107)(a)(2)(D). The claimant is deemed to have exhausted rights to regular

compensation under a State law when no payments of regular compensation can be made under such law because the claimant has received all regular compensation available based on base period wages and/or wages. PL 116-136, Section 2107)(a)(3)(A). The claimant will also be deemed to have exhausted rights to regular compensation under a State law when the claimant's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed. PL 116-136, Section 2107)(a)(3)(B).

The claimant exhausted her eligibility for regular benefits on the Iowa combined wage claim effective the week that ended July 18, 2020. Claimant asserts that she subsequently attempted to establish a Florida combined wage claim for regular benefits, but presents no relevant documentation, including nothing from Florida denying benefits.

Florida Code section 443.036(30) provides as follows:

443.036 Definitions.—As used in this chapter, the term:

(30) “Monetary determination” means a determination of whether and in what amount a claimant is eligible for benefits based on the claimant's employment during the base period of the claim.

Florida Code section 443.151(3)(b), Monetary Determinations, provides as follows:

443.151 Procedure concerning claims.—

(3) DETERMINATION OF ELIGIBILITY.—

(b) *Monetary determinations*.—In addition to the notice of claim, the department shall also promptly provide an initial monetary determination to the claimant and each base period employer whose account is subject to being charged for its respective share of benefits on the claim. The monetary determination must include a statement of whether and in what amount the claimant is entitled to benefits, and, in the event of a denial, must state the reasons for the denial. A monetary determination for the first week of a benefit year must also include a statement of whether the claimant was paid the wages required under s. 443.091(1)(g) and, if so, the first day of the benefit year, the claimant's weekly benefit amount, and the maximum total amount of benefits payable to the claimant for a benefit year. The monetary determination is final unless within 20 days after the mailing of the notices to the parties' last known addresses, or in lieu of mailing, within 20 days after the delivery of the notices, an appeal or written request for reconsideration is filed by the claimant or other party entitled to notice. The department may adopt rules as necessary to implement the processes described in this paragraph relating to notices of monetary determinations and the appeals or reconsideration requests filed in response to such notices

Florida Admin. Code rule 73B-11.016, Monetary Determinations, provides as follows:

73B-11.016 Monetary Determinations.

(1) Computation of Wages.

(a) All employment in the base period reported by an employer or determined by the Department from available information shall be considered in computing the monetary eligibility of a claimant.

(b) Assignment of Wages to Calendar Quarters. Wages will generally be counted as reported by the employer. Upon request by the claimant or employer and for the purpose of determining the claimant's weekly benefit amount and maximum available credits, wages may be assigned to the calendar quarter in which the wages were earned, but can be used in only one base period.

(2) Notices to Employers.

(a) The Department will use AWI Form UCB-412, "Determination Notice of Unemployment Compensation Claim Filed," (Rev. 04/07), incorporated by reference in Rule 73B-11.029, F.A.C., to notify the claimant's most recent employing unit and each employer in the claimant's base period of each claim for benefits filed, pursuant to Section 443.151(3)(a), F.S.

(b) The Department will use AWI Form UCB-9 (Rev. 04/01), incorporated by reference in Rule 73B-11.029, F.A.C., to request wage information regarding a specific claimant. If a timely response is not received, the claimant's monetary eligibility will be based on other evidence, including but not limited to an affidavit from the claimant.

(3) Notices to Claimants. The Department will issue a determination of monetary eligibility to each claimant on AWI Form UCB-11, "Wage Transcript and Determination," (Rev. 01/08), incorporated by reference in Rule 73B-11.029, F.A.C., which will serve as notice to the claimant pursuant to Section 443.151(3)(a), F.S.

The State of Florida Department of Economic Opportunity Reemployment Assistance Program Reemployment Assistance Handbook, provides as follows:

Review Your Wage Transcript and Determination Upon completing your Reemployment Assistance application, CONNECT will compute your monetary entitlement and a Wage Transcript and Determination will be made available to you in CONNECT and/or mailed to you. The Wage Transcript and Determination advises you on the following: • How your total Benefit Amount is determined. • Your Weekly Benefit Amount, which is the amount you may receive each week. • Your Available Credits, which is the maximum amount you may receive per Benefit Year. • Your Benefit Year End date, which is one year from the date you originally filed your application. The base period for your claim is the first four of the last five completed calendar quarters before your benefit claim begins. You must have earned a minimum of \$3,400 in the base period of your claim. Your high quarter wages cannot be more than 1.5x of the entire base period wages.

...  
Report errors on the Wage Transcript and Determination by requesting a monetary reconsideration. Please refer to the back of the wage transcript for instructions on requesting reconsideration. The Wage Determination will become final unless you request a monetary reconsideration or an appeal hearing within 20 days from the distribution date of the determination.

State of Florida Department of Economic Opportunity Reemployment Assistance Program Reemployment Assistance Handbook, page 6.

The weight of the evidence establishes that the claimant would be monetarily eligible for regular benefits in connection with a Florida combined wage claim. The claimant's testimony regarding her interaction with Florida authorities is inconsistent with Florida unemployment insurance law. The claimant has presented insufficient evidence to establish that she has exhausted her rights to regular benefits in Florida and therefore is not eligible for Pandemic Emergency Unemployment Compensation (PEUC).

**DECISION:**

The October 8, 2020, reference 01, is affirmed. The claimant is not eligible for PEUC benefits for the period beginning July 19, 2020 because she is monetarily eligible for regular benefits on a Florida combined wage claim.

A rectangular box containing a handwritten signature in cursive script that reads "James E. Timberland".

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James E. Timberland  
Administrative Law Judge

February 03, 2021  
Decision Dated and Mailed

jet/ol