

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TENISHA L INGOLD
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 21A-UI-07059-B2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

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

Fed Law PL 116-136, Sec 2107 – Federal Pandemic Emergency Unemployment Compensation

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the February 27, 2021 (reference 01) unemployment insurance decision that denied Federal Pandemic Emergency Unemployment Compensation benefits effective September 13, 2020 because she would be monetarily eligible for benefits in the State of Illinois. The claimant was properly notified of the hearing. A telephone hearing was held on April 24, 2021. The claimant participated personally.

The administrative law judge took official notice of the administrative records. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Is the claimant eligible for Federal Pandemic Emergency Unemployment Compensation?

FINDINGS OF FACT:

Having heard the testimony and considered all of the evidence in the record, the administrative law judge finds: The claimant filed an initial claim for regular unemployment insurance benefits funded by the State of Iowa with an effective date of March 15, 2020. Her weekly benefit amount was \$453.00.

Her base period begins in the fourth quarter of 2018 and ends the third quarter of 2019. Claimant's maximum benefit amount for her March 15, 2020 original claim is \$11,410.43. She filed weekly continued claims from March 21, 2020 through December 26, 2020 and exhausted her maximum benefit amount during those weeks.

Claimant's base period includes wages from Bucktown Lodging. Claimant's administrative records establish that her claim is listed in Group Code 8. Claimant's base period does not include wages from People Ready located in Davenport Iowa. People Ready Wages are reported through Illinois. These wages were reported in Illinois in the fourth quarter of 2019 (\$1,203.00) and the first quarter of 2020 (\$1,341.00) Claimant has not filed for unemployment benefits in Illinois and has not been denied benefits in that state.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes that the claimant is not eligible for Federal Pandemic Emergency Unemployment Compensation in Iowa at this time because she may be monetarily eligible for regular unemployment insurance benefits in the State of Illinois.

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).

The United States Department of Labor issued operating instructions for the PEUC program. See Unemployment Insurance Program Letter No. 17-20 (April 10, 2020). The operating instructions state that in order to be eligible for PEUC, a claimant must have exhausted all rights to regular compensation under the applicable state or Federal law with respect to the applicable benefit year, have no rights to regular compensation with respect to a week under such law or any other state of Federal law, certify that he or she is not receiving unemployment compensation in Canada, and be able to and available for work. The operating instructions instruct state agencies to check at each quarter change if an individual has enough wages to establish a new benefit year in the State, in another State, or a combined wage claim. Finally, the operating instructions direct states to advise a claimant who can establish a new benefit year or combined wage claim to file the claim as they will no longer qualify for PEUC.

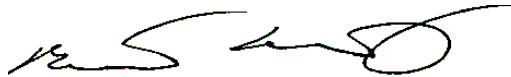
In this case, it appears claimant may be monetarily eligible for unemployment insurance benefits in Illinois based on a combined wage claim (taking the wages from Illinois and combining those wages with those transferred from Iowa). The fact that claimant does not live in Illinois and only briefly worked there does not make a difference as to whether she is eligible for benefits in that state. When it comes to unemployment insurance benefits, a claimant can file a claim in any state where they worked and earned insured wages. In this case, claimant worked and earned insured wages in Illinois and may be eligible to file a claim there. The administrative law judge can certainly understand why claimant would rather pursue PEUC benefits in Iowa, but the

federal law is clear claimant must exhaust all available state benefits before she is eligible for federal benefits. Claimant's relief is to pursue her claim for regular unemployment insurance benefits in Illinois. If she exhausts those benefits, or is found not to be eligible in Illinois, she may then be eligible for PEUC benefits through Iowa or Illinois.

DECISION:

The February 27, 2021 (reference 01) unemployment insurance decision is affirmed at this time. The claimant is not eligible for Pandemic Emergency Unemployment Compensation effective September 13, 2020 because she may be monetarily eligible for benefits in the State of Illinois. The claimant may file a claim for regular unemployment insurance benefits in Illinois based upon her wages. If claimant is found not to be eligible for benefits in Illinois after filing a claim in that state, she can ask that this matter be revisited.

This decision denies PEUC benefits. If this decision becomes final, you may have an overpayment of PEUC benefits.



Blair A. Bennett
Administrative Law Judge

April 30, 2021
Decision Dated and Mailed

bab/scn

Note to Claimant

This decision determines you are not eligible for PEUC benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.

You may qualify for benefits under the Federal Pandemic Unemployment Assistance ("PUA") section of the Coronavirus Aid, Relief, and Economic Security Act ("Cares Act") that discusses eligibility for claimants who are unemployed due to the Coronavirus.

You will need to apply for PUA to determine your eligibility under the program.

For additional information on how to apply for PUA go to:
<https://www.iowaworkforcedevelopment.gov/pua-information>.