

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

JASON C THOMAS
Claimant

APPEAL NO. 10A-UI-04484-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**Original Claim: 02/03/08
Claimant: Appellant (1)**

Section 96.19-20 – Exhaustee Requirement to Receive EUC benefits

STATEMENT OF THE CASE:

The claimant appealed a representative's March 5, 2010 decision (reference 01) that held him ineligible to receive Emergency Unemployment Compensation benefits on his 2008 claim as of October 4, 2009, because he was eligible to receive regular benefits from Iowa as of that date. A telephone hearing was held on April 24, 2010. The claimant participated in the hearing with his attorney, William Vilmont. Based on the administrative record, the evidence, the arguments of the claimant, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

As of October 4, 2009, is the claimant eligible to receive Emergency Unemployment Compensation benefits or regular unemployment insurance benefits?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of February 3, 2008. He started receiving Emergency Unemployment Compensation benefits from Iowa during the week of August 3, 2008.

The claimant properly reported the wages he earned from Jonesys LLC. The claimant earned \$2,400.00 in wages from this employer in both the first and second quarters of 2009. The claimant relied on his local representative's expertise as to what needed to be done to follow all the unemployment insurance rules.

When the claimant applied for more available Emergency Unemployment Compensation benefits in November 2009, the Department started paying him these benefits. It was not until January 2010, when the claimant had exhausted his training extension benefits, that a representative discovered he was eligible to receive regular unemployment insurance benefits. The Department backdated the effective date of his regular unemployment insurance benefits to October 4, 2009.

REASONING AND CONCLUSIONS OF LAW:

The Emergency Unemployment Compensation (EUC) program was created by Public Law 110 252, Title VI. This new temporary unemployment insurance program provides additional weeks of unemployment benefits to certain workers who have exhausted their rights to regular unemployment compensation benefits. In order to receive extended unemployment insurance benefits (EUC), a person must be an "exhaustee" within the meaning of unemployment insurance law. Pursuant to Iowa Code § 96.19(20), a person is not an "exhaustee" if he is monetarily eligible for regular unemployment insurance benefits in Iowa or another state.

Under the unemployment insurance law, a person must have wages totaling at least one-fourth of the wages in his highest quarter of wages, in the remaining three quarters of his base period. Iowa Code § 96.4-4. In this case, the wages the claimant earned from Jonesys LLC between January 1 and June 30, 2009, make him monetarily eligible to receive regular unemployment insurance benefits as of October 4, 2009.

Because the claimant is monetarily eligible to receive regular unemployment insurance benefits from Iowa as of October 4, 2009, he not an "exhaustee" for purposes of receiving federal extended unemployment compensation benefits. As of October 4, 2009, the claimant is not eligible to receive Emergency Unemployment Compensation benefits based on his February 3, 2008 Iowa claim. He is instead eligible to receive regular unemployment insurance benefits as of October 4, 2009.

DECISION:

The representative's March 5, 2010 decision (reference 01) is affirmed. The claimant is not eligible to receive Emergency Unemployment Compensation benefits as of October 4, 2009, because as of this date he is eligible to receive regular unemployment insurance benefits.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw