

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

SHARON K LUNCSFRORD
Claimant

APPEAL NO: 13O-UI-04623-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 06/24/12
Claimant: Appellant (1)**

Iowa Code § 96.29-1-c – Monetary Eligibility
PL 110-252 § 4002(b)(1) – EUC Monetary Eligibility

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's January 24, 2013 determination (reference 04) that concluded she did not have sufficient wages to qualify for Emergency Unemployment Compensation Benefits. The claimant participated in a hearing on May 16, 2013 after remand by the Employment Appeal Board. Based on the evidence, the arguments of the claimant, and the law, the administrative law judge concluded the claimant is not monetarily eligible to receive Emergency Unemployment Compensation benefits. Exhibit A was admitted into evidence.

ISSUE:

Does the claimant have sufficient wages in her base period to qualify for EUC benefits?

FINDINGS OF FACT:

The claimant established a claim for benefits during the week of June 24, 2012. During this base period, the claimant earned the following wages totaling \$97,885.00. Claimant made a request for EUC benefits. Claimant's highest quarter times 1.5 equals \$109,891.00.

REASONING AND CONCLUSIONS OF LAW:

To be eligible for emergency unemployment compensation benefits, claimants must have exhausted benefits. To qualify for EUC, claimants must have earnings of one and one-half times the high quarter in their base period. PL 110-252 § 4002(b)(1). As a result there may be claimants who do not qualify for EUC even though they have exhausted their regular benefits. EUC can be filed only on the most recent exhausted or expired claim.

The Emergency Unemployment Compensation (EUC) program was created by Public Law 110-252, Title VI. This new temporary unemployment insurance program provides up to 13 additional weeks of unemployment benefits to certain workers who have exhausted their rights to regular unemployment compensation benefits.

Section 4001(d)(2)(A) of the EUC Act states that persons shall not be eligible for EUC unless they have "20 weeks of full-time insured employment or the equivalent in insured wages" in their base period, as determined by the state law implementing the Extended Unemployment Compensation Act of 1970.

The Extended Unemployment Compensation Act of 1970 allowed states to choose one of three methods for determining an "equivalent of 20 weeks of full-time insured employment." The method Iowa chose is in Iowa Code § 96.29-1-c, which requires claimants have total base period wages of at least 1.5 times the wages paid during the quarter of the base period in which their wages were highest.

The wages that determine whether the claimant is monetarily eligible for EUCU benefits are the wages that show up in claimant's base period when claimant established the regular unemployment insurance claim. The claimant is not eligible for EUCU benefits because the total wages in the base period (\$97,885.00) are not at least 1.5 times his high quarter wages totaling (\$109,891.00). Claimant received one quarter of pay that was exceedingly high due to the receipt of severance pay. The severance was all paid during the third quarter of 2011 and as such includable in that one quarter only.

DECISION:

The representative's January 24, 2013 determination (reference 04) is affirmed. The claimant is not monetarily eligible to receive Emergency Unemployment Compensation benefits, because the wages paid for insured work during the base period are not at least one and one-half times the wages paid to claimant during the highest quarter of earnings during the base period.

Marlon D. Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/pjs