

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

GERALD M HAMMEL
Claimant

APPEAL NO. 11A-EUCU-00856-AT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 11/02/08
Claimant: Appellant (1)

Public Law 110-252 – Emergency Unemployment Compensation

STATEMENT OF THE CASE:

Gerald M. Hammel filed a timely appeal from an unemployment insurance decision dated November 28, 2011, reference 03, that ruled he was ineligible to receive Emergency Unemployment Compensation based on his Iowa unemployment insurance claim from November 2, 2008 because he was monetarily eligible to receive state unemployment insurance benefits on a new claim as of October 30, 2011. Due notice was issued for a telephone hearing to be held December 23, 2011. After reviewing all matters of record and with the consent of the claimant, a formal hearing was not required.

ISSUE:

Is the claimant eligible to receive Emergency Unemployment Compensation as of October 30, 2011?

FINDINGS OF FACT:

Gerald M. Hammel is monetarily eligible to receive state unemployment insurance benefits in the gross amount of \$333.00 per week as of October 30, 2011. Previously he had been receiving Emergency Unemployment Compensation at the rate of \$314.00 per week based on his state claim that had been filed October 31, 2010.

REASONING AND CONCLUSIONS OF LAW:

Public 110-252, the federal statute establishing and setting eligibility requirements for Emergency Unemployment Compensation, provides that individuals may not receive Emergency Unemployment Compensation for any week that the individual is monetarily eligible for regular state unemployment insurance benefits. Based on the statute, Mr. Hammel is not eligible for the Emergency Unemployment Compensation beginning October 30, 2011. This works to his advantage since his state weekly benefit amount is higher than his weekly benefit amount on the old claim.

DECISION:

The unemployment insurance decision dated November 28, 2011, reference 03, is affirmed. The claimant is not eligible to receive Emergency Unemployment Compensation effective October 30, 2011.

Dan Anderson
Administrative Law Judge

Decision Dated and Mailed

pjs/pjs