

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

MICHAEL HERRERA
Claimant

APPEAL NO. 13A-UI-01290-ST

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 07/08/12
Claimant: Appellant (1)

Section 96.29(1)c – Extended Benefits/Highest Base Period Quarter Wages

STATEMENT OF THE CASE:

The claimant appealed from a representative's decision dated January 24, 2013, reference 03, that held he had insufficient wages to qualify for emergency unemployment compensation (EUC benefits). A hearing was held on February 27, 2013. The claimant participated.

ISSUE:

The issue is whether the claimant is eligible for emergency unemployment benefits.

FINDINGS OF FACT:

The administrative law judge having heard the testimony of the witness, and having considered the evidence in the record, finds that: The claimant filed a regular unemployment claim effective July 8, 2012. He did claim for and receive all of the regular UI benefits he was entitled to according to his MBA (\$1,836.11 - maximum benefit amount). He later returned to work at CJS Laboratories, and the department record shows he earned 4th quarter 2012 wages in the amount of \$2,975.00. His highest base period wage is 2nd quarter 2012 at \$3,309.00.

Claimant filed an extended benefit claim effective January 13, 2013 due to a lay-off. The department record shows claimant earned total base period wages of \$4,467.00. The department multiplied 1½ times his high quarter (\$3,309.00) that is \$4,963.50. His base period wages do not exceed the high quarter threshold.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.29-1 provides:

Extended benefits.

Except when the result would be inconsistent with the other provisions of this chapter, as provided in rules of the department, the provisions of the law which apply to claims for or the payment of regular benefits shall apply to claims for, and the payment of, extended benefits.

1. Eligibility requirements for extended benefits. An individual is eligible to receive extended benefits with respect to a week of unemployment in the individual's eligibility period only if the department finds that all of the following conditions are met:

- a. The individual is an "exhaustee" as defined in this chapter.
- b. The individual has satisfied the requirements of this chapter for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipt of benefits.
- c. The individual has been paid wages for insured work during the individual's base period in an amount at least one and one-half times the wages paid to the individual during that quarter of the individual's base period in which the individual's wages were highest.

The administrative law judge concludes claimant is not eligible for EUC benefits, because the total wages he earned (\$4,467.00) during the base period of his regular unemployment claim are at not at least one and one-half times the wages he earned in his highest quarter ($1 \text{ and } \frac{1}{2} \times \$3,309.00 = \$4,963.50$) that is the second quarter of 2012.

The additional wages \$2,975.00 claimant earned from CJS are not included as they are not part of his base period for his regular UI claim.

DECISION:

The decision of the representative dated January 24, 2013, reference 03, is affirmed. The claimant is not eligible for EUC benefits.

Randy L. Stephenson
Administrative Law Judge

Decision Dated and Mailed

rls/pjs