

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

VINCENT J KEVIS
Claimant

APPEAL NO: 12A-UI-09504-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 11/14/10
Claimant: Appellant (1)**

Public Law 110-252 – Emergency Unemployment Compensation
Iowa Code § 96.19(20) – Definition of Exhaustee

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's July 26, 2012 determination (reference 05) that held him ineligible to receive Emergency Unemployment Compensation benefits as of April 29, 2012, because he was instead eligible to receive regular unemployment insurance benefits. The claimant did not respond to the hearing notice or participate in the hearing. Based on the administrative record, and the law, the administrative law judge concludes the claimant is eligible to receive regular unemployment benefits as of April 29, 2012.

ISSUE:

Is the claimant eligible to receive Emergency Unemployment Compensation benefits or regular unemployment insurance benefits as of April 29, 2012?

FINDINGS OF FACT:

The claimant established a claim for benefits during the weeks of November 14, 2010. He started receiving Emergency Unemployment Compensation benefits under his November 2010 claim the week ending May 12, 2012.

The claimant is eligible to receive regular unemployment insurance benefits as of April 29, 2012 benefit year when the alternate base period law is used. The claimant earned the following wages in his base period and alternate base period:

	2011/1	2011/2	2011/3	2011/4	2012/1
ADVANCE SERVICES INC			\$3758		
AGRIGENETICS INC/MYCOGEN					\$1117

Based on these wages credits and the alternate base period, the claimant is monetarily eligible to receive \$170 a week in regular unemployment insurance benefits as of April 29, 2012.

REASONING AND CONCLUSIONS OF LAW:

The Emergency Unemployment Compensation (EUC) program was created by Public Law 110 252, Title VI. This temporary unemployment insurance program provides additional weeks of unemployment benefits to certain workers who have exhausted their rights to regular unemployment compensation benefits. To receive emergency unemployment compensation, an individual must exhaust entitlement to all other unemployment benefits. Iowa Code § 96.19(20). This means an individual is not eligible to receive emergency unemployment benefits if he is eligible to receive regular unemployment benefits.

Base period is defined as consisting of the first four of the last five completed calendar quarters immediately preceding the calendar quarter in which the individual's claim for benefits is effective. 871 IAC 24.1(11). Iowa Code 96.4(4)b, provides an alternate base period for claimants who do not have sufficient wages in the "regular" base period. For these individuals, the base period shall be the last four completed calendar quarters immediately preceding the first day of the claimant's benefit year.

Based on the alternate base period law and the wages the claimant earned from April 1, 2011 through March 31, 2012, he is monetarily eligible to receive \$170 a week in regular unemployment insurance benefits as of April 29, 2012. As of April 29, 2012, the claimant is not an "exhaustee" for purposes of receiving federal extended unemployment compensation benefits (EUC) and is not eligible to receive Emergency Unemployment Compensation benefits.

DECISION:

The representative's July 26, 2012 determination (reference 05) is affirmed. As of April 29, 2012, the claimant is monetarily eligible to receive regular unemployment insurance benefits. Therefore, he is not eligible to receive Emergency Unemployment Compensation benefits as of this date.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw