

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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

**JANICE M BOTE**  
Claimant

**APPEAL NO. 12A-EUCU-00091-AT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 05/17/09**  
**Claimant: Appellant (1)**

Public Law 110-252 – Emergency Unemployment Compensation

**STATEMENT OF THE CASE:**

Janice M. Bote filed a timely appeal from an unemployment insurance decision dated February 21, 2012, reference 02, that ruled she was ineligible to continue receiving emergency unemployment compensation on her 2009 unemployment insurance claim even though her weekly benefit amount on the new claim was more than \$100.00 less than on her previous claim because she had been denied unemployment insurance benefits on the new claim. After due notice was issued, a telephone hearing was held March 20, 2012, with Ms. Bote participating. This matter is considered on a consolidated record with 12A-EUCU-00092-AT. The administrative law judge takes official notice of Agency decision records, wage records, and benefit payment records.

**ISSUE:**

Is the claimant eligible for continued emergency unemployment compensation benefits based on her May 2009 claim.

**FINDINGS OF FACT:**

Janice M. Bote filed a claim for unemployment insurance benefits effective May 17, 2009. Her weekly benefit amount was \$389.00. She opened a new benefit year on May 15, 2011. Her weekly benefit amount is \$136.00. On August 8, 2011, the Agency issued a decision saying that Ms. Bote was not eligible to receive benefits effective May 15, 2011, because she no longer met the definition of being an unemployed individual. Ms. Bote did not file an appeal from that decision.

**REASONING AND CONCLUSIONS OF LAW:**

The question is whether Ms. Bote can continue receiving emergency unemployment compensation benefits based on her 2009 claim. She cannot.

In Public Law 110-252, congress established the emergency unemployment compensation program and set eligibility requirements. It established a general rule that emergency unemployment compensation benefits cannot be paid to an individual for any week that the

individual is monetarily eligible for regular state unemployment insurance benefits. A limited exception applies to individuals whose new weekly benefit amount is more than \$100.00 less than the old weekly benefit amount. Provided the individual is fully eligible for benefits of some sort, the individual may, under those circumstances, continue receiving emergency unemployment compensation benefits at the higher rate, rather than the state unemployment insurance benefits.

This exception does not apply to Ms. Bote. It does not apply because of the Agency decision from August of 2011 that Ms. Bote was entirely ineligible for benefits effective May 15, 2011, because she no longer met the definition of being unemployed.

**DECISION:**

The unemployment insurance decision dated February 21, 2012, reference 02, is affirmed. The claimant is ineligible for continued emergency unemployment compensation benefits effective May 15, 2011.

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Dan Anderson  
Administrative Law Judge

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Decision Dated and Mailed

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