

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

CHAN WOOT AKOT
Claimant

APPEAL NO. 21A-UI-01300-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 04/05/20
Claimant: Appellant (1R)

Public Law 116-136, Section 2107 – Pandemic Emergency Unemployment Compensation

STATEMENT OF THE CASE:

The claimant, Chan Woot Akot, filed a timely appeal from the December 8, 2020, reference 01, decision that denied Pandemic Emergency Unemployment Compensation (PEUC) for the period beginning October 11, 2020, based on the deputy's conclusion that the claimant would be monetarily eligible for regular unemployment insurance benefits in Nebraska. After due notice was issued, a hearing was held on February 20, 2021. The claimant participated. Dinka-English interpreter Aguek Riak of CTS Language Link assisted with the hearing. The administrative law judge took official notice of the following Agency administrative records:

ISSUES:

Whether the claimant is eligible for Pandemic Emergency Unemployment Compensation for the period beginning October 11, 2020.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established an Iowa claim for unemployment insurance benefits that was effective April 5, 2020. The claimant established the Iowa claim for benefits in response to being laid off from his employment with Ameristar Casino Council Bluffs. Iowa Workforce Development set the claimant's weekly benefit amount at \$313.00. The claimant received \$313.00 in regular benefits for each of the seven weeks between April 5, 2020 and May 23, 2020. The claimant then reported \$600.00 in wages for each of the four weeks between May 24, 2020 and June 20, 2020, and did not receive any federal or state unemployment insurance benefits for those four weeks. For each of the four weeks between May 24, 2020 and June 20, 2020, the claimant reported that he was working. The claimant subsequently received \$313.00 in regular benefits for each week between June 21, 2020 and October 3, 2020. The claimant received \$61.31 in regular benefits for the week that ended October 10, 2020, at which time the claimant exhausted his eligibility for regular benefits. The claimant then received \$313.00 in Pandemic Emergency Unemployment Compensation (PEUC) benefits for each of the six weeks between October 11, 2020 and November 21, 2020.

Iowa Workforce Development solicited information from the State of Nebraska regarding wages reported to the Nebraska Department of Labor as wages reported to State of Nebraska as wages paid to the claimant for work in Nebraska. The Nebraska Department of Labor reported to Iowa Workforce Development that Nebraska employer Greater Omaha Packing Company, Inc. had reported to Nebraska Department of Labor that it paid the claimant \$5,097.85 in wages during the second quarter of 2020. These wages would have been earned and paid during the time when the claimant was laid off from his employment with Ameristar and during a time when the claimant was submitting weekly unemployment insurance claims to Iowa Workforce Development.

The weight of the evidence in the record establishes that the claimant did indeed work for Greater Omaha Packing Company, Inc., a Nebraska employer, during the second quarter of 2020 and was paid significant wages for that work. The work was performed in Nebraska. The claimant advises that he had worked for Greater Omaha Packing Company, Inc., a Nebraska employer, but only in 2019. The claimant's advises that he contemplated returning to Greater Omaha Packing Company in April 2020 and had an interview with the Nebraska employer in April 2020. The claimant denies that he returned to perform additional work for that Nebraska employer during the second quarter of 2020. The claimant advises that the \$600.00 in weekly wages he reported to Iowa Workforce Development for each of the four weeks between May 24, 2020 and June 20, 2020 were actually Iowa Unemployment Insurance Benefits. However, the claimant's assertion does not explain why the claimant reported for those weeks that he was working. In addition, the claimant did not receive any state or federal unemployment insurance benefits for four weeks between May 24, 2020 and June 20, 2020.

REASONING AND CONCLUSIONS OF LAW:

To be eligible for benefits under the Pandemic Emergency Unemployment Compensation Program a claimant must (1) have exhausted all rights to regular compensation under the State law or under Federal law with response to a benefit year and (2) have no rights to regular compensation under such law or any other State unemployment compensation law or to compensation under any other Federal law. PL 116-136, Section 2107)(a)(2)(A) and (B). The claimant must also be able to work, available for work, and actively seeking work. PL 116-136, Section 2107)(a)(2)(D). The claimant is deemed to have exhausted rights to regular compensation under a State law when no payments of regular compensation can be made under such law because the claimant has received all regular compensation available based on base period wages and/or wages. PL 116-136, Section 2107)(a)(3)(A). The claimant will also be deemed to have exhausted rights to regular compensation under a State law when the claimant's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed. PL 116-136, Section 2107)(a)(3)(B).

Effective October 10, 2020, the claimant exhausted his eligibility for regular benefits in connection with his Iowa claim.

Effective October 11, 2020, the claimant is not eligible for PEUC benefits in Iowa because he would be monetarily eligible for regular benefits on a Nebraska combined wage claim for that same period. The base period for such Nebraska claim would consist of the second and third quarters of 2019 and the first and second quarters of 2020. Such Nebraska combined wage claim would include the Iowa wages for the first three base period quarters and the Nebraska wages for the second quarter of 2020. The claimant's request for PEUC benefits on the Iowa claim is denied.

DECISION:

The December 8, 2020, reference 01, decision is affirmed. Effective October 11, 2020, the claimant is not eligible for PEUC benefits in Iowa because he would be monetarily eligible for regular benefits on a Nebraska combined wage claim for that same period.

This matter is **remanded** to the Investigations & Recovery Unit for further action at the Unit's discretion.

A rectangular box containing a handwritten signature in cursive script that reads "James E. Timberland".

James E. Timberland
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
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March 2, 2021
Decision Dated and Mailed

jet/scn