

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

CODY S LEGGETT
Claimant

APPEAL NO. 11A-UI-02354-DWT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 02/28/10
Claimant: Appellant (1)**

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

PROCEDURAL STATEMENT OF THE CASE:

The claimant appealed a representative's February 17, 2011 determination (reference 06) that held him ineligible to receive Emergency Unemployment Compensation benefits as of July 25, 2010, because he was eligible to receive regular unemployment insurance benefits from Illinois as of July 25, 2010. The claimant participated in the hearing. The claimant gave the administrative law judge permission to contact Illinois to find if he was eligible to receive regular unemployment benefits from Illinois and the effective date he was eligible.

Based on the evidence, the arguments of the claimant, and the law, the administrative law judge concludes that as of July 25, 2010, the claimant was eligible to receive regular unemployment insurance benefits from Illinois.

ISSUE:

As of July 25, 2010, is the claimant eligible to receive regular unemployment insurance benefits from Illinois or Emergency Unemployment Compensation benefits from Iowa?

FINDINGS OF FACT:

The claimant established claim for benefits in Iowa during the week of February 28, 2010. He started receiving Emergency Unemployment Compensation benefits from Iowa the week of July 25, 2010. When the claimant filed his claim, he contacted his local Workforce office and followed all the instructions he received.

About the time his benefit year ended, February 27, 2011, a Workforce representative received information the claimant was eligible to receive regular unemployment insurance benefits from Illinois. When the claimant checked with Illinois, he was initially told he was eligible to receive benefits from Illinois as of February 2011. In late March, the claimant understood Illinois had been contacted to backdate his claim to be effective as of July 25, 2010, but as of the date of the hearing, he had not yet received information about whether his Illinois claim would be backdated to July 25, 2010.

On May 2, 2011, an Illinois representative verified the claimant was eligible to receive regular unemployment insurance benefits from Illinois as of July 25, 2010. The claimant was monetarily eligible to receive benefits from Illinois when alternate base period and wages transferred from Iowa were used by Illinois.

REASONING AND CONCLUSIONS OF LAW:

The Emergency Unemployment Compensation (EUC) program was created by Public Law 110 252, Title VI. This new 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 extended unemployment insurance benefits (EUC), a person must be an "exhaustee" within the meaning of unemployment insurance law. Pursuant to Iowa Code § 96.19(20), a person is not an "exhaustee" if he is monetarily eligible for regular unemployment insurance benefits in Iowa or another state.

An Illinois representative verified the claimant is eligible to receive regular unemployment insurance benefits from Illinois as of July 25, 2010. As of July 25, 2010, the claimant is not an "exhaustee" for purposes of receiving federal extended unemployment compensation benefits (EUCU). As of July 25, 2010, the claimant is not eligible to receive Emergency Unemployment Compensation benefits based on his Iowa February 28, 2010 claim.

DECISION:

The representative's February 17, 2011 determination (reference 06) is affirmed. The claimant is eligible to receive regular unemployment insurance from Illinois as of July 25, 2010. This means he is not eligible to receive Emergency Unemployment Compensation from Iowa as of July 25, 2010.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/kjw