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Minn. Stat. § 480A.08, subd. 3 (2012).*

**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A12-1016**

Harriet M. Liedtke,  
Relator,

vs.

Department of Employment and Economic Development,  
Respondent.

**Filed February 19, 2013  
Affirmed  
Klaphake, Judge\***

Department of Employment and Economic Development  
File No. 29518630-2

Harriet M. Liedtke, Burnsville, Minnesota (pro se relator)

Lee B. Nelson, Minnesota Department of Employment and Economic Development,  
St. Paul, Minnesota (for respondent department)

Considered and decided by Larkin, Presiding Judge; Kalitowski, Judge; and  
Klaphake, Judge.

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\* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to  
Minn. Const. art. VI, § 10.

## UNPUBLISHED OPINION

**KLAPHAKE**, Judge

Relator challenges the unemployment-law judge's (ULJ) decision that she was overpaid federal extended unemployment-compensation benefits for which she was not eligible. We affirm.

### DECISION

When reviewing the decision of a ULJ, we may affirm the decision, remand the case for further proceedings, or reverse or modify the decision if the substantial rights of the relator have been prejudiced because, among other reasons, the decision is “affected by [an] error of law” or is “unsupported by substantial evidence in view of the entire record as submitted.” Minn. Stat. § 268.105, subd. 7(d) (2012). Interpretation of a statute presents a question of law, which we review de novo. *Swenson v. Nickaboine*, 793 N.W.2d 738, 741 (Minn. 2011).

An applicant who receives unemployment benefit payments is generally entitled to receive 26 times the weekly unemployment benefit amount for which he or she qualifies. Minn. Stat. § 268.07, subd. 2a(c)(2) (2012). Absent an interruption in these payments or an applicant's weekly benefit amount being reduced for some reason, an applicant will collect the maximum amount in 26 weeks; but if an interruption or reduction in benefit payment occurs, it may take longer than 26 weeks to collect the maximum yearly unemployment benefit amount. *Voge v. Dep't of Emp't & Econ. Dev.*, 794 N.W.2d 662, 664-65 (Minn. App. 2011).

When an applicant collects the entire unemployment benefit amount before the end of the unemployment benefit year, he or she may be eligible to receive federal extended unemployment benefits. *Id.* Eligibility for these extended benefits is set forth in Minn. Stat. § 268.115, subd. 3 (2012), which conforms to the federal requirements of the Federal-State Extended Unemployment Compensation Act of 1970, 26 U.S.C. § 3304 (2006) (EUC Act). “Congress has since created intermediate programs, which include the three-tiered emergency unemployment compensation program (EUC program).” *Voge*, 794 N.W.2d at 665 (citations omitted).

To be eligible for the EUC program, an applicant must be an “exhaustee.” Minn. Stat. § 268.115, subd. 3(1). An “exhaustee” is an applicant who has (1) received the maximum amount of regular unemployment benefits available before the unemployment benefit year has expired; (2) has insufficient wage credits to establish a new unemployment benefit account after the unemployment benefit year has expired; or (3) has no claim to any other state or federal unemployment benefits. Minn. Stat. § 268.115, subd. 1(7) (2012). The applicant must also have “wage credits of not less than 40 times the weekly unemployment benefit amount.” Minn. Stat. § 268.115, subd. 3(3).

Here, the undisputed facts establish that relator became eligible for, applied for, and received EUC payments in November 2009. Relator exhausted her most-recent regular account in July 2011, and she exhausted her EUC account in September 2011. And the record supports the ULJ’s finding that relator earned \$2,520 during her 2011 base period, which is less than 40 times her weekly benefit amount of \$96. Relator did not have enough wage credits to be eligible for further EUC payments. *See* Minn. Stat.

§§ 268.035, subd. 27 (2012) (defining “wage credits” as “the amount of wages paid within an applicant’s base period for covered employment”); .115, subd. 3(3) (requiring an applicant to have “wage credits of not less than 40 times the weekly unemployment benefit amount” to be eligible for EUC benefit payments). The ULJ therefore correctly determined that relator was not entitled to continue receiving EUC payments after September 11, 2011, and was required to repay the benefits she had erroneously received. *See* Minn. Stat. § 268.18, subd. 1(a) (2012) (stating an applicant who receives any unemployment benefits that he or she was not entitled to must “promptly repay the unemployment benefits to the trust fund”).

**Affirmed.**