

(i) The average weekly number of individuals filing claims in this State for weeks of unemployment with respect to the most recent 13-consecutive-week period, as determined by the Executive Director on the basis of his reports to the United States Secretary of Labor, by

(ii) The average monthly employment covered under this Act for the first four of the most recent six completed calendar quarters ending before the end of such 13-week period.

[(10)] (9) "Exhaustee" means an individual who, with respect to any week of unemployment in his eligibility period:

(i) Has received, prior to that week, all of the regular benefits that were available to him under this act or any other State law (including dependents' allowances and benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in his current benefit year which includes that week;

Provided, that, for the purposes of this subparagraph, an individual shall be deemed to have received all of the regular benefits that were available to him although as a result of a pending appeal with respect to wages that were not considered in the original monetary determination in his benefit year, he may subsequently be determined to be entitled to added regular benefits; or

(ii) His benefit year having expired prior to that week, has no, or insufficient, wages on the basis of which he could establish a new benefit year that would include that week; and

(iii) Has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act or under such other federal laws as are specified in regulations issued by the United States Secretary of Labor; and has not received and is not seeking unemployment benefits under the unemployment compensation law [of the Virgin Islands or] of Canada; but if he is seeking those benefits and the appropriate agency finally determines that he is not entitled to benefits under the law he is considered an [exhaustee if other provisions of this definition are met, except that, in this subparagraph, the reference to the Virgin Islands is not applicable on and after the date on which the United States Secretary of Labor approves the Unemployment Compensation Law of the Virgin Islands under § 3304(a) of the Internal Revenue Code] EXHAUSTEE.

(c) An individual shall be eligible to receive extended benefits with respect to any week of unemployment in his eligibility period only if the Executive Director finds that with respect to that week: