

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

MELISSA A HUDSON-DOYLE
Claimant

APPEAL NO. 22A-UI-01732-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 03/29/20
Claimant: Appellant (1)

Iowa Code Section 96.3(7) – Overpayment of Benefits
Public Law 116-136, §2102 – Pandemic Unemployment Assistance Overpayment

STATEMENT OF THE CASE:

The claimant, Melissa Hudson-Doyle, filed a timely appeal from the December 8, 2021, reference 01, decision that held the claimant was overpaid \$203.00 in Pandemic Unemployment Assistance (PUA) for the week that ended July 4, 2020, due to Iowa Workforce Development paying PUA benefits twice for that week. After due notice was issued, a hearing was held on February 10, 2022. Claimant and presented additional testimony through Alan Doyle. The claimant waived the hearing notice defect in this matter whereby Iowa Code section 96.3(7) was omitted from the law citations on the hearing notice. The hearing in this matter was consolidated with the hearing in Appeal Number 22A-UI-01733-JTT. Exhibit A was received into evidence. The administrative law judge took official notice of the following Agency administrative records: DBIN, KPY1, KPYX, KCCO, and the Claim Detail pertaining to the PUA allowance.

ISSUE:

Whether the claimant was overpaid \$203.00 in PUA benefits for the week that ended July 4, 2020, due to Iowa Workforce Development paying PUA benefits twice for that week.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established an original claim for benefits that was effective March 29, 2020. Iowa Workforce Development denied regular benefits, due to a lack of base period wages. IWD approved the claimant for \$203.00 in weekly Pandemic Unemployment Assistance (PUA) for the period beginning March 29, 2020. The claimant made weekly claims for the weeks that included the weeks ending July 4, 2020 and July 11, 2020. On July 8, 2020, Iowa Workforce Development paid the claimant \$203.00 in PUA benefits for the week that ended July 4, 2020. On July 16, 2020, IWD paid the claimant \$406.00 in PUA benefits for the two-week period that ended July 11, 2020. The payment on July 16, 2020 included \$203.00 in PUA benefits for the week that ended July 4, 2020. In other words, IWD paid PUA benefits twice for the week that ended July 4, 2020.

The claimant also received Federal Pandemic Unemployment Compensation (FPUC) benefits, due her eligibility for the PUA benefits. The FPUC benefits were set at \$600.00 a week. On July 8, 2020, Iowa Workforce Development paid the claimant \$600.00 in FPUC benefits for the week that ended July 4, 2020. On July 16, 2020, IWD paid the claimant \$1,200.00 in FPUC benefits for the two-week period that ended July 11, 2020. The payment on July 16, 2020 included \$600.00 in FPUC benefits for the week that ended July 4, 2020. In other words, IWD paid FPUC benefits twice for the week that ended July 4, 2020. The claimant received the benefits in question.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.3(7) provides, in pertinent part:

7. Recovery of overpayment of benefits.

a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

b. (1) (a) If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The Pandemic Unemployment Assistance program provides for weekly unemployment benefit assistance to any covered individual for any weeks beginning on or after January 27, 2020 and ending on or before December 31, 2020, during which the individual is unemployed, partially unemployed, or unable to work due to COVID-19. That period was subsequently extended through the week ending September 4, 2021. See American Rescue Plan Act of 2021. Iowa ended its participation in the program effective June 12, 2021.

Public Law 116-136, Sec. 2102 provides in relevant part:

(h) RELATIONSHIP BETWEEN PANDEMIC UNEMPLOYMENT ASSISTANCE AND DISASTER UNEMPLOYMENT ASSISTANCE.—Except as otherwise provided in this section or to the extent there is a conflict between this section and section 625 of title 20, Code of Federal Regulations, such section 625 shall apply to this section as if—

(1) the term “COVID–19 public health emergency” were substituted for the term “major disaster” each place it appears in such section 625; and

(2) the term “pandemic” were substituted for the term “disaster” each place it appears in such section 625.

20 CFR Sec. 625.14 provides in relevant part:

(a) Finding and repayment. If the State agency of the applicable State finds that an individual has received a payment of DUA to which the individual was not entitled under the Act and this part, whether or not the payment was due to the individual's fault or

misrepresentation, the individual shall be liable to repay to the applicable State the total sum of the payment to which the individual was not entitled, and the State agency shall take all reasonable measures authorized under any State law or Federal law to recover for the account of the United States the total sum of the payment to which the individual was not entitled.

The evidence in the record establishes that the claimant was indeed overpaid \$203.00 in PUA benefits for the week that ended July 4, 2020, due to Iowa Workforce Development twice paying PUA benefits for that week. The claimant must repay the overpaid PUA benefits unless the claimant applies for and is approved for waiver of repayment of PUA benefits. See below.

DECISION:

The December 8, 2021, reference 01, decision is affirmed. The claimant was overpaid \$203.00 in PUA benefits for the week that ended July 4, 2020, due to Iowa Workforce Development twice paying PUA benefits for that week. The claimant must repay the overpaid PUA benefits unless the claimant applies for and is approved for waiver of repayment of PUA benefits. See below.



James E. Timberland
Administrative Law Judge

March 2, 2022
Decision Dated and Mailed

jet/mh

Note to Claimant: This decision determines you have been overpaid PUA under the CARES Act. If you disagree with this decision, you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Additionally, instructions for requesting a waiver of this overpayment can be found at <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment>. If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.