

**IOWA DEPARTMENT OF INSPECTIONS AND APPEALS  
ADMINISTRATIVE HEARINGS DIVISION, UI APPEALS BUREAU**

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**STEFAN L WEINBERGER**  
Claimant

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**APPEAL 22O-UI-16247-DB-T  
ADMINISTRATIVE LAW JUDGE  
DECISION**

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

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PL 116-136 Sec 2107 –Federal Pandemic Unemployment Compensation (FPUC)

**STATEMENT OF THE CASE:**

On October 20, 2021, the claimant/appellant filed an appeal from the October 14, 2021 (reference 08) unemployment insurance decision that found claimant was overpaid FPUC benefits for fifteen weeks ending April 10, 2021. A hearing was scheduled for December 15, 2021 and a default dismissal decision was entered in Appeal No. 21A-UI-23566-JC-T. An appeal to the Employment Appeal Board (EAB) was filed by the claimant and the matter was remanded to the Appeals Bureau for a new hearing date and time. A second hearing date and time was scheduled for May 20, 2022. A default dismissal decision was entered in Appeal No. 22R-UI-08260-DB-T on May 31, 2022. Another appeal to the EAB was filed and the EAB remanded the matter to the Appeals Bureau for another hearing date and time. A third hearing was scheduled pursuant to due notice. The telephone hearing was held on September 16, 2022. The claimant participated personally. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records. The hearing was consolidated with Appeal No. 22O-UI-16245-DB-T and 22O-UI-16246-DB-T.

**ISSUE:**

Is the claimant overpaid FPUC benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant had filed for unemployment insurance benefits in Iowa effective April 5, 2020. His weekly-benefit amount was \$147.00.

Between April 5, 2020 and June 13, 2020 the claimant filed weekly-continued claims for benefits and received his maximum benefit amount for regular unemployment insurance benefits funded by the State of Iowa in the amount of \$1,420.69. For the weeks between June 14, 2020 and August 1, 2020, the claimant filed weekly-continued claims for benefits and was paid PEUC benefits of \$936.00. Claimant began reporting wages earned in excess of his weekly-benefit amount, plus \$15.00 for the week-ending August 8, 2020; August 15, 2020; August 22, 2020; and August 29, 2020 so no benefits were paid to him during those four weekly-continued claims.

In July of 2020, the claimant began part-time employment for the United States Census Bureau, earning wages in Colorado. His hourly rate of pay was \$16.00. He worked for that employer from July of 2020 until October 17, 2020 when he permanently separated from employment. He worked approximately 20 hours per week but his hours would fluctuate at times.

Claimant filed an additional claim for benefits effective October 18, 2020 in Iowa. His weekly benefit amount remained at \$147.00 as his original claim year was still effective April 5, 2020.

Claimant received PEUC benefits at the rate of \$147.00 per week from October 18, 2020 through December 5, 2020 for a total PEUC benefit payment of \$975.00. PEUC benefits began paying out to his again beginning December 27, 2020 through April 10, 2021 at the rate of \$147.00 per week for a total paid during that time of \$2,205.00. Total PEUC benefits paid to the claimant from October 18, 2020 through April 10, 2021 was \$3,180.00.

Claimant also received supplemental FPUC payments based on his initial eligibility for PEUC benefits from December 27, 2020 through April 10, 2021 at the rate of \$300.00 per week for a total payment of FPUC in the amount of \$4,500.00.

Claimant visited with workforce representatives in Iowa and Colorado to determine his eligibility and payments. Because claimant had earned wages in Colorado, he appeared to be eligible for regular unemployment insurance benefits in the State of Colorado effective his additional claim date of October 18, 2020. He eventually filed a claim for benefits in Colorado, effective April of 2021 with an established weekly-benefit amount of \$83.00.

Colorado allowed the claimant to backdate his claim for payment of PEUC benefits during the period of October 18, 2020 through April 10, 2021; however, Colorado only paid him \$6,535.00 in benefits instead of the original amount of \$7,680.00 that he received originally from Iowa. Claimant was unable to determine why he received less PEUC and FPUC benefits from Colorado than he received from Iowa.

An unemployment insurance benefits decision was issued on October 14, 2021 (reference 06) that found the claimant was not eligible for PEUC benefits in Iowa effective October 18, 2020 because he was eligible for benefits in Colorado. That decision has been affirmed on appeal in Appeal No. 22O-UI-16245-DB-T.

#### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes as follows:

PL116-136, Sec. 2104 provides, in pertinent part:

(b) Provisions of Agreement

(1) Federal pandemic unemployment compensation.--Any agreement under this section shall provide that the State agency of the State will make payments of regular compensation to individuals in amounts and to the extent that they would be determined if the State law of the State were applied, with respect to any week for which the individual is (disregarding this section) otherwise entitled under the State law to receive regular compensation, as if such State law had been modified in a manner such that the amount of regular compensation (including dependents' allowances) payable for any week shall be equal to

(A) the amount determined under the State law (before the application of this paragraph), plus

(B) an additional amount of \$600 (in this section referred to as “Federal Pandemic Unemployment Compensation”).

....

(f) Fraud and Overpayments

(2) Repayment. – In the case of individuals who have received amounts of Federal Pandemic Unemployment Compensation to which they were not entitled, the State shall require such individuals to repay the amounts of such Federal Pandemic Unemployment Compensation to the State agency...

PL 116-136 Section 2104 of the CARES Act created a program in which an additional \$600.00 per week was payable to claimants who were eligible for at least \$1.00 per week in benefits stemming from other programs including regular unemployment insurance funded by the State of Iowa, Pandemic Emergency Unemployment Compensation, Pandemic Unemployment Assistance, Iowa Extended benefits, and Trade Act benefits. This initial program ran from March 29, 2020 through July 25, 2020. Claimants were only eligible to receive FPUC payments if they were entitled to receive benefits from another applicable program. The payments of FPUC benefits were automatic so long as a claimant was determined to be eligible under one of the other applicable programs. On December 27, 2020, the Continued Assistance to Unemployed Workers Act of 2020 (CAA) was enacted, which reauthorized the FPUC program for weeks of unemployment beginning after December 26, 2020 and ending on or before March 14, 2021. The CAA modified the weekly supplemental benefit amount from \$600.00 to \$300.00. On May 11, 2021, Governor Reynolds announced that Iowa would end its participation in federal pandemic-related unemployment benefit programs effective June 12, 2021. The last payable week for FPUC benefits in Iowa was the week ending June 12, 2021.

In this case, the claimant received FPUC benefits for fifteen weeks ending April 10, 2021 because at that time there was no disqualifying decision that found he was not eligible for the PEUC benefits. The FPUC benefits were paid in conjunction with and based upon his eligibility for PEUC benefits. As soon as the claimant was disqualified from receipt of PEUC benefits in the decision issued October 14, 2021 (reference 06), he was no longer eligible for FPUC benefits.

Because the claimant has not been found eligible for PUA benefits or any other qualifying program in which FPUC benefits would be allowed, the claimant has been overpaid FPUC benefits in the amount of \$4,500.00 for the fifteen weeks ending April 10, 2021. Those benefits must be repaid unless a waiver is requested and granted. Pursuant to PL 116-136 Section 2104(F)(2) of the CARES Act, the claimant may request a waiver of the overpayment of FPUC benefits. The request for waiver should be sent to:

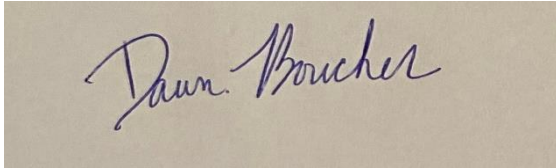
Iowa Workforce Development  
Overpayment Waiver Request  
1000 East Grand Avenue  
Des Moines, Iowa 50319

The request for waiver of overpayment should include the claimant's name, address, decision number and date of decision, dollar amount of overpayment requested for waiver, and all

relevant facts the claimant feels would justify a waiver of the overpayment balance. The claimant may also visit <https://www.iowaworkforcedevelopment.gov/application-overpayment-waiver>.

**DECISION:**

The October 14, 2021 (reference 08) unemployment insurance decision is affirmed. The claimant was overpaid FPUC benefits for fifteen weeks ending April 10, 2021 in the amount of \$4,500.00. Those benefits must be repaid to the agency unless a waiver is requested and granted.

A rectangular area containing a handwritten signature in blue ink that reads "Dawn Boucher".

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Dawn Boucher  
Administrative Law Judge

October 7, 2022  
Decision Dated and Mailed

db/sa

**APPEAL RIGHTS.** If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Employment Appeal Board**  
**4<sup>th</sup> Floor – Lucas Building**  
**Des Moines, Iowa 50319**  
**Fax: (515)281-7191**  
**Online: [eab.iowa.gov](http://eab.iowa.gov)**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

**AN APPEAL TO THE BOARD SHALL STATE CLEARLY:**

- 1) The name, address, and social security number of the claimant.
- 2) A reference to the decision from which the appeal is taken.
- 3) That an appeal from such decision is being made and such appeal is signed.
- 4) The grounds upon which such appeal is based.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf> or by contacting the District Court Clerk of Court <https://www.iowacourts.gov/iowa-courts/court-directory/>.

**Note to Parties:** YOU MAY REPRESENT yourself in the appeal or obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds.

**Note to Claimant:** It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

**SERVICE INFORMATION:**

A true and correct copy of this decision was mailed to each of the parties listed.

**DERECHOS DE APELACIÓN.** Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Employment Appeal Board**  
**4th Floor – Lucas Building**  
**Des Moines, Iowa 50319**  
**Fax: (515)281-7191**  
**En línea: [eab.iowa.gov](http://eab.iowa.gov)**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

**UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:**

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiriera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que se encuentra en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf> o comunicándose con el Tribunal de Distrito Secretario del tribunal <https://www.iowacourts.gov/iowa-courts/court-directory/>.

**Nota para las partes:** USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

**Nota para el reclamante:** es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

**SERVICIO DE INFORMACIÓN:**

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.