

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**TIMOTHY R HOLLENBECK**  
Claimant

**D & L MASONRY INC**  
Employer

**APPEAL 22A-UI-07738-AW-T**  
**ADMINISTRATIVE LAW JUDGE**  
**DECISION**

**OC: 11/24/19**  
**Claimant: Appellant (1)**

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PL 116-136, Sec. 2104 – Federal Pandemic Unemployment Compensation

**STATEMENT OF THE CASE:**

Claimant filed an appeal from the March 28, 2022 (reference 04) unemployment insurance decision that found claimant was overpaid Federal Pandemic Unemployment Compensation (FPUC) benefits. Claimant was properly notified of the hearing. A telephone hearing was held on May 20, 2022. Claimant participated. Employer participated through Bonnie Vanden Bosch, Treasurer. Iowa Workforce Development (IWD) did not participate. No exhibits were admitted. Official notice was taken of the administrative record.

**ISSUE:**

Whether claimant is overpaid FPUC benefits.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant filed for and has received FPUC benefits in the gross amount of \$3,000.00 for the five-week period between March 29, 2020 and May 2, 2020.

On March 28, 2022, Iowa Workforce Development (IWD) issued a decision (reference 03) finding claimant was not entitled to unemployment insurance (UI) benefits for the benefit weeks ending April 4, 2020, April 11, 2020, April 25, 2020 and May 2, 2020 due to excessive earnings; the decision found claimant was entitled to a partial UI benefit payment for the benefit week ending April 18, 2020. That decision has been affirmed (see appeal number 22A-UI-07732-AW-T).

**REASONING AND CONCLUSIONS OF LAW:**

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

PL 116-136, 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, except that the State agency may waive such repayment if it determines that—

(A) the payment of such Federal Pandemic Unemployment Compensation was without fault on the part of any such individual; and

(B) such repayment would be contrary to equity and good conscience.

The decision that found claimant was not eligible for UI benefits for the benefit weeks ending April 4, 2020, April 11, 2020, April 25, 2020 and May 2, 2020 remains in effect. For the weeks claimant is not eligible for UI benefits, he is also not eligible for FPUC benefits. Therefore, claimant has received FPUC benefits to which he was not entitled. The administrative law judge concludes that claimant has been overpaid FPUC benefits in the amount of \$2,400.00 for the four benefit weeks ending April 4, 2020, April 11, 2020, April 25, 2020 and May 2, 2020. Those benefits must be recovered in accordance with Iowa law.

**DECISION:**

The March 28, 2022 (reference 04) unemployment insurance decision is affirmed. Claimant has been overpaid FPUC benefits in the amount of \$2,400.00, which must be repaid.



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Adrienne C. Williamson  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
Iowa Workforce Development  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515)478-3528

May 25, 2022  
Decision Dated and Mailed

acw/ACW

**NOTE TO CLAIMANT:** This decision determines you have been overpaid benefits 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-and-recovery>. If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.