

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ROSALBA ANGUIANO LUNA
Claimant

APPEAL NO. 21A-UI-19027-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 05/10/20
Claimant: Appellant (1)

PL116-136, Sec. 2104(f)(2) – Overpayment of Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

On August 27, 2021, Rosalba Anguiano Luna (claimant/appellant) appealed the August 23, 2021 (reference 03) decision that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation in the amount of \$1,200.00 for the two-week period between May 10 and May 23, 2020, as a result of a decision denying benefits.

A telephone hearing was held on October 21, 2021. The parties were properly notified of the hearing. Claimant participated personally. Claimant's daughter, Violetta Anguiano, participated as a witness. The administrative law judge took official notice of the administrative record.

ISSUE:

Was the claimant overpaid Federal Pandemic Unemployment Compensation (FPUC)?

FINDINGS OF FACT:

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

The administrative record shows claimant received FPUC in the amount of \$600.00 per week for a total of two weeks, from the benefit week ending May 16, 2020 and continuing through the benefit week ending May 23, 2020. The total amount of FPUC paid during this period is \$1,200.00.

Claimant was subsequently determined to be ineligible for benefits in a decision dated October 1, 2020. That decision has now been modified with no change in effect. See 21A-UI-19025-AD-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the August 23, 2021 (reference 03) decision that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation in the amount of \$1,200.00 for the two-week period between May 10 and May 23, 2020 is **AFFIRMED**.

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, 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 administrative record shows claimant received FPUC in the amount of \$600.00 per week for a total of two weeks, from the benefit week ending May 16, 2020 and continuing through the benefit week ending May 23, 2020. The total amount of FPUC paid during this period is \$1,200.00.

Claimant was subsequently determined to be ineligible for benefits in a decision dated October 1, 2020. That decision has now been modified with no change in effect. See 21A-UI-19025-AD-T.

Because the claimant is ineligible for regular unemployment insurance (UI) benefits during the above period, she is also ineligible for FPUC during that period. Claimant has therefore been overpaid FPUC in the amount of \$1,200.00.

DECISION:

The August 23, 2021 (reference 03) decision that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation in the amount of \$1,200.00 for the two-week period between May 10 and May 23, 2020 is AFFIRMED.



Andrew B. Duffelmeyer
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

November 01, 2021
Decision Dated and Mailed

abd/ol

Note to Claimant:

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.

If this decision determines you have been overpaid federal CARES Act benefits you may request a waiver of the overpayment. Instructions for requesting a waiver 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.

Individuals who are disqualified from or are otherwise ineligible for **regular** unemployment insurance benefits but who are unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.