

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ANDREA M CORONA MINEROS
Claimant

APPEAL NO. 20A-UI-14198-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/22/20
Claimant: Appellant (4)

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

STATEMENT OF THE CASE:

Andrea Corona Mineros (claimant/appellant) appealed the November 4, 2020 (reference 03) decision that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation (FPUC) in the amount of \$7,200.00 for the 12-week period between March 22 and June 20, 2020, as a result of a disqualification decision dated June 25, 2020.

A telephone hearing was held on January 7, 2021, pursuant to due notice. The claimant participated personally. 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 unemployment insurance system shows claimant has received FPUC in the amount of \$600.00 each week from the benefit week ending April 4, 2020 through the benefit week ending June 6, 2020. The total amount of FPUC paid to date is \$7,200.00.

The overpayment issue in this case was created by a disqualification decision that has now been MODIFIED in favor of appellant but still found claimant not eligible for benefits during the overpayment period set forth above. See 20A-UI-14195-AD-T.

However, the administrative law judge notes that claimant has been found eligible for Pandemic Unemployment Assistance (PUA) from the benefit week ending March 28, 2020 and continuing through the benefit week ending May 9, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the November 4, 2020 (reference 03) decision that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation (FPUC) in the amount of \$7,200.00 for the 12-week period between March 22 and June 20, 2020 is MODIFIED in favor of claimant. Claimant was overpaid FPUC in the amount of \$3,600.00.

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...

The unemployment insurance system shows claimant has received FPUC in the amount of \$600.00 each week from the benefit week ending April 4, 2020 through the benefit week ending June 6, 2020. The total amount of FPUC paid to date is \$7,200.00.

The overpayment issue in this case was created by a disqualification decision that has now been MODIFIED in favor of appellant but still found claimant not eligible for benefits during the overpayment period set forth above. See 20A-UI-14195-AD-T.

However, the administrative law judge notes that claimant has been found eligible for Pandemic Unemployment Assistance (PUA) from the benefit week ending March 28, 2020 and continuing through the benefit week ending May 9, 2020.

Because claimant has been found eligible for PUA from the benefit week ending March 28 through the benefit week ending May 9, 2020, she is eligible for FPUC for each of those weeks. Claimant was therefore overpaid FPUC only for the six-week period from the benefit week ending May 16, 2020 through the benefit week ending June 20, 2020, during which she was not eligible for either

regular, state unemployment benefits or PUA. The FPUC overpayment amount is therefore \$3,600.00 rather than \$7,200.00.

The administrative law judge wishes to note that claimant may apply for a waiver of the remaining FPUC overpayment amount. For further information, call 888-848-7442 or visit <http://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment-and-recovery>.

DECISION:

The November 4, 2020 (reference 03) decision that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation (FPUC) in the amount of \$7,200.00 for the 12-week period between March 22 and June 20, 2020 is MODIFIED in favor of claimant. Claimant was overpaid FPUC in the amount of \$3,600.00.



Andrew B. Duffelmeyer
Administrative Law Judge
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January 26, 2021
Decision Dated and Mailed

abd/mh