

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KEVIN HOFFMAN
Claimant

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

APPEAL 22A-UI-11972-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

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

Iowa Code § 96.3(7) - Overpayment
PL 116-136, Sec. 2104 – Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

On May 9, 2022, Kevin Hoffman (claimant/appellant) filed an appeal from the Iowa Workforce Development (“IWD”) decision dated May 4, 2022 (reference 03) that determined claimant was overpaid Federal Pandemic Unemployment Compensation in the amount of \$3,900.00 for 13 weeks between December 27, 2020 and March 27, 2021 based on a prior decision finding claimant ineligible for PEUC.

A telephone hearing was held on June 24, 2022. The parties were properly notified of the hearing. Claimant participated personally. Appeal Nos. 22A-UI-11969, 22A-UI-11970, and 22A-UI-11972 are related and were heard together, forming a single hearing record.

Claimant’s Exhibits 1 and 2 were admitted. Official notice was taken of the administrative record.

ISSUE(S):

- I. Was claimant overpaid Federal Pandemic Unemployment Compensation (FPUC)?

FINDINGS OF FACT:

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

The administrative record shows claimant received FPUC in the total amount of \$3,900.00 between December 27, 2020 and March 27, 2021. Claimant was subsequently determined to be ineligible for PEUC during that period in a decision dated April 21, 2021. That decision remains in force. See 22A-UI-11969-AD-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the decision dated May 4, 2022 (reference 03) that determined claimant was overpaid Federal Pandemic Unemployment Compensation in the amount of \$3,900.00 for 13 weeks between December 27, 2020 and March 27, 2021 based on a prior decision finding claimant ineligible for PEUC is AFFIRMED.

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 American Rescue Plan Act extended FPUC effective December 27, 2020 in the amount of \$300.00 per week and continuing until Iowa ended its participation in the program effective June 12, 2021.

The administrative record shows claimant received FPUC in the total amount of \$3,900.00 between December 27, 2020 and March 27, 2021. Claimant was subsequently determined to be ineligible for PEUC during that period in a decision dated April 21, 2021. That decision remains in force. See 22A-UI-11969-AD-T.

Because the claimant was ineligible for PEUC during the period in question he was also ineligible for FPUC during that period. Claimant has therefore been overpaid FPUC in the amount of \$3,900.00.

The administrative law judge notes claimant may wish to apply for a waiver of this overpayment amount. Further information on how to apply for a waiver is set forth below.

DECISION:

The decision dated May 4, 2022 (reference 03) that determined claimant was overpaid Federal Pandemic Unemployment Compensation in the amount of \$3,900.00 for 13 weeks between December 27, 2020 and March 27, 2021 based on a prior decision finding claimant ineligible for PEUC is AFFIRMED.



Andrew B. Duffelmeyer
Administrative Law Judge

June 30, 2022
Decision Dated and Mailed

abd/abd

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 pandemic-related 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.