

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**SHARI L HAND**  
Claimant

**APPEAL NO. 20A-UI-13822-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 03/22/20**  
**Claimant: Appellant (1)**

Public Law 116-136, Section 2104 – Federal Pandemic Unemployment Compensation

**STATEMENT OF THE CASE:**

Claimant filed a timely appeal from the October 30, 2020 (reference 03) decision that held she was overpaid \$3,600.00 in Federal Pandemic Unemployment Compensation (FPUC) for the six-week period ending May 13, 2020, based on a May 13, 2020 decision that she was not eligible for benefits for the period in question. After due notice was issued, a hearing was held on January 4, 2021. Claimant participated in the hearing. The hearing in this matter was consolidated with the hearing in Appeal Number 20A-UI-13821-JTT. Exhibit A was received into evidence. The administrative law judge took official notice of the May 13, 2020 (reference 01) decision, the June 19, 2020 administrative law judge decision in Appeal Number 20A-UI-04283-JC-T, DBRO, KPYX and NMRO.

**ISSUE:**

Whether the claimant was overpaid \$3,600.00 in Federal Pandemic Unemployment Compensation (FPUC) for the six-week period ending May 13, 2020, based on a May 13, 2020 decision that she was not eligible for benefits for the period in question.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established an original claim for benefits that was effective March 22, 2020. Iowa Workforce Development set her weekly benefit amount for regular benefits at \$278.00. The claimant received \$1,946.00 in regular benefits for the seven weeks between March 22, 2020 and May 9, 2020. The claimant also received \$600.00 in weekly Federal Pandemic Unemployment benefits for each of the six weeks between March 29, 2020 and May 9, 2020. The FPUC benefits totaled \$3,600.00.

On May 13, 2020, an Iowa Workforce Development Benefits Bureau deputy entered a reference 01 decision that denied benefits effective March 22, 2020, based on the deputy's conclusion that the claimant was not partially unemployed within the meaning of the law. The reference 01 decision prompted the overpayment decision from which the claimant appeals in the present matter.

The claimant appealed the reference 01 decision. On June 19, 2020, an administrative law judge entered a decision in Appeal Number 20A-UI-04283-JC-T that affirmed the May 13, 2020 (reference 01) decision. The claimant did not appeal the administrative law judge's decision and the administrative law judge's decision became a final agency decision.

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

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...

Because the May 13, 2020, reference 01, decision denied benefits for the period beginning March 22, 2020, and because the reference 01 decision has been affirmed on appeal, the Federal Pandemic Unemployment Compensation (FPUC) benefits the claimant received for six weeks between March 29, 2020 and May 9, 2020 is an overpayment of benefits. Despite the waiver application language in the October 30, 2020 (reference 03) decision, Iowa Workforce Development, in keeping with similar treatment of regular state benefit overpayments and the authority delegated to the state in CARES Act, does not allow waiver of FPUC overpayments. Accordingly, the claimant is required to repay the overpaid FPUC benefits.

**DECISION:**

The October 30, 2020 (reference 03) decision is affirmed. The claimant was overpaid \$3,600.00 in FPUC benefits for six weeks between March 29, 2020 and May 9, 2020. The claimant must repay the overpaid benefits.

A handwritten signature in black ink that reads "James E. Timberland". The signature is written in a cursive, flowing style.

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James E. Timberland  
Administrative Law Judge

January 29, 2021  
Decision Dated and Mailed

jet/kmj