

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

MATTHEW T SCHRODT
Claimant

APPEAL NO. 21A-UI-14927-JT-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

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

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

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the June 22, 2021, reference 03, decision that held he was overpaid \$10,200.00 in Federal Pandemic Unemployment Compensation (FPUC) for the 17 weeks between March 29, 2020 and July 25, 2020, due to a reference 01 decision that disqualified him for benefits in connection with his voluntary quit from Windstar. After due notice was issued, a hearing was held on August 26, 2021. The claimant participated. The hearing in this matter was consolidated with the hearing in Appeal Number 21A-UI-14926-JT-T. The administrative law judge took official notice of the following Agency administrative records: DBRO, KPYX, NMRO, the August 4, 2020, reference 01, decision, and the administrative law judge decisions in Appeal Number 21A-UI-09435-XT.

ISSUE:

Whether the claimant was overpaid \$6,290.00 in regular unemployment insurance benefits for the 17 weeks between March 29, 2020 and July 25, 2020, due to a decision that disqualified him for benefits in connection with his voluntary quit from Windstar.

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 29, 2020. The claimant received \$6,290.00 in regular benefits for 17 weeks between March 29, 2020 and July 25, 2020. The claimant also received \$10,200.00 in Federal Pandemic Unemployment Compensation (FPUC) for the same 17-week period.

On August 4, 2020, Iowa Workforce Development issued the August 4, 2020, reference 01, decision that disqualified the claimant for benefits, based on the deputy's conclusion that the claimant voluntarily quit on March 9, 2020 from employment with Windstar Lines, Inc. without good cause attributable to the employer. The reference 01 decision prompted the overpayment decision from which the claimant appeals in the present matter. The claimant appealed the reference 01 decision. An appeal hearing was set for September 21, 2020 in Appeal Number 20A-UI-09435. When the claimant did not appear for the hearing, the administrative law judge ruled that the claimant had defaulted on his appeal and dismissed the appeal. The administrative law judge's decision was mailed to the claimant's last-known address of record

on October 9, 2020. On September 23, 2020, the administrative law judge reopened the hearing record and set a new appeal hearing for October 8, 2020. When the claimant did not appear for the hearing, the administrative law judge ruled for a second time that the claimant had defaulted on his appeal and dismissed the appeal. Accordingly to Iowa Workforce Development docketing records, there was no appeal from the administrative law judge's decision to the Employment Appeal Board, which left the August 4, 2020, reference 01, decision in place as 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, 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.

(3) Recovery by state agency —

(A) In general.—The State agency shall recover the amount to be repaid, or any part thereof, by deductions from any Federal Pandemic Unemployment Compensation payable to such individual or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assistance or allowance

with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the Federal Pandemic Unemployment Compensation to which they were not entitled, in accordance with the same procedures as apply to the recovery of overpayments of regular unemployment benefits paid by the State.

(B) Opportunity for hearing.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(4) Review.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

Because the August 4, 2020, reference 01, decision disqualified the claimant for benefits and remains in effect, the \$10,200.00 in FPUC benefits that the claimant received for the 17 weeks between March 29, 2020 and July 25, 2020 is an overpayment of benefits. The claimant must repay the overpaid FPUC benefits unless he applies for and is approved for waiver of repayment of FPUC benefits. See below.

DECISION:

The June 22, 2021, reference 03, decision is affirmed. The claimant was overpaid \$10,200.00 in Federal Pandemic Unemployment Compensation (FPUC) for the 17 weeks between March 29, 2020 and July 25, 2020, due to a reference 01 decision that disqualified him for benefits in connection with his voluntary quit from Windstar. The claimant must repay the overpaid FPUC benefits unless he applies for and is approved for waiver of repayment of FPUC benefits. See below.



James E. Timberland
Administrative Law Judge

August 31, 2021
Decision Dated and Mailed

jet/ol

Note to Claimant: This decision determines you have been overpaid FPUC 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>. If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.