

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

AVERY J JOLIN
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**APPEAL 21A-UI-11248-LJ-T
ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 03/01/20
Claimant: Appellant (1)**

Public Law, Sec. 2104 – Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

On April 18, 2021, the claimant Avery J. Jolin appealed the April 7, 2021 decision that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation (“FPUC”) benefits in the amount of \$14,700.00 for the twenty-nine-week period ending February 27, 2021. A telephonic hearing was held at 11:00 a.m. on Friday, July 9, 2021. Appeals 21A-UI-11247-LJ-T, 21A-UI-11248-LJ-T, and 21A-UI-11249-LJ-T were heard together and created one record. The claimant, Avery J. Jolin, participated. The Investigation and Recovery Unit of Iowa Workforce Development participated through Daniel Noonan, Workforce Program Coordinator for the Unemployment Insurance Fraud Unit. Claimant’s Exhibits A through G and Employer’s Exhibits 1 through 15 were received and admitted into the record without objection. The administrative law judge took official notice of the administrative record.

ISSUE:

Whether claimant is overpaid FPUC benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant began working for employer Complete Weddings + Events in September 2019. He was employed as a part-time wedding DJ. Claimant’s employer serves venues in both South Dakota and Iowa, and claimant has performed work for the employer in both states.

The claimant filed an application for Pandemic Unemployment Assistance (“PUA”) benefits in the State of Iowa on May 14, 2020. Claimant self-certified that he was otherwise able to work and available for work but was unemployed, partially unemployed, or unable or unavailable to work because “I have been diagnosed with COVID-19 or am experiencing symptoms of COVID-19 and am seeking a medical diagnosis”. Claimant attached to his application a paystub from employer Complete Weddings + Events, whose address is in Sioux Falls, South Dakota.

Claimant was granted PUA benefits based on his application, in a determination dated May 14, 2020. Claimant’s weekly benefit amount was determined to be \$203.00 as of March 1, 2020. He received a total of \$10,962.00 in PUA benefits for the fifty-four weeks ending February 27, 2021. Claimant also received \$14,700.00 in Federal Pandemic Unemployment Compensation (“FPUC”) for the twenty-nine weeks ending February 27, 2021. Additionally, claimant received

\$1,800.00 in Lost Wages Assistance Program (“LWAP”) payments for the six-week period ending September 5, 2020.

On April 2, 2021, Noonan received an internal referral that claimant filed for PUA benefits in the incorrect state. Specifically, the internal referral pointed out that claimant’s pay stub attached to his application for PUA benefits showed claimant was working in South Dakota. Noonan investigated this referral by examining both the SIDI and WAGE-A databases. The SIDI database showed claimant had received wages in South Dakota in the first and second quarters of 2020. (Exhibit 1) The WAGE-A database showed claimant had received no reportable Iowa wages during any period relevant to his claim for PUA benefits. (Exhibits 2 and 3)

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes:

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 decision that denied claimant Pandemic Unemployment Assistance benefits remains in effect. Because claimant is not eligible for PUA benefits, claimant is also not eligible for FPUC benefits. Therefore, claimant has received FPUC benefits to which they were not entitled. The administrative law judge concludes that claimant has been overpaid FPUC benefits in the amount outlined in the findings of fact above. Those benefits must be recovered in accordance with Iowa law.

DECISION:

The April 7, 2021 decision is affirmed. Claimant has been overpaid FPUC benefits in the amount of \$14,700.00, which must be repaid.



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

July 20, 2021
Decision Dated and Mailed

lj/scn

NOTE TO CLAIMANT:

- This decision determines you have been overpaid FPUC benefits. 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.
- You may also request a waiver of this overpayment. The written request must include the following information:
 1. Claimant name & address.
 2. Decision number/date of decision.
 3. Dollar amount of overpayment requested for waiver.
 4. Relevant facts that you feel would justify a waiver.
- The request should be sent to:

Iowa Workforce Development
Overpayment waiver request
1000 East Grand Avenue
Des Moines, IA 50319

- This Information can also be found on the Iowa Workforce Development website 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.