

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

68-0157 (9-06) - 3091078 - EI

PENNIE KRAGEL
Claimant

APPEAL NO: 21A-UI-10499-SN-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

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

PL116-136, Sec. 2104 – Federal Pandemic Unemployment Compensation (FPUC)

STATEMENT OF THE CASE:

The claimant filed an appeal from the April 13, 2021, (reference 03) unemployment insurance decision that concluded she was overpaid \$6,000 in Federal Pandemic Unemployment Compensation (FPUC) benefits. After proper notice, a telephone hearing was conducted on June 29, 2021. The hearing was held jointly with appeals, 21A-UI-10501-SN-T and 21A-UI-10498-SN-T. The claimant participated. Official notice of the administrative records was taken.

ISSUES:

Is the claimant overpaid Federal Pandemic Unemployment Compensation (FPUC)?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of March 29, 2020.

The claimant received federal unemployment insurance benefits through Federal Pandemic Unemployment Compensation (FPUC). Claimant received \$6000.00 in federal benefits for the period of May 17, 2020 and July 25, 2020.

The administrative law judge's decision in 21A-UI-03309-AD-T removed the claimant's educational insured wages from her base period. The administrative law judge remanded back to the Benefits Bureau the determination regarding whether she remained eligible based on the non-educational insured wages in Iowa Code 96.4(4). The administrative file does not show there was a redetermination of the claimant's monetary eligibility after this decision was issued.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was overpaid FPUC benefits.

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 administrative law judge's decision in 21A-UI-03309-AD-T removed the claimant's educational insured wages from the claimant's base period. It remanded back to the Benefits Bureau the determination regarding whether she remained eligible based on the non-educational insured wages in Iowa Code 96.4(4). The administrative records do not show the claimant was issued a monetary re-determination of benefits. The administrative law judge is remanding this case to the Benefits Bureau to make that determination.


If after that re-determination of her monetary eligibility the claimant remains ineligible, then she has been overpaid benefits. The claimant has confirmed she received \$6,000 in regular unemployment insurance benefits. As a result, the administrative law judge is affirming the overpayment decision pending a redetermination of her monetary eligibility after the exclusion of educational insured wages.

DECISION:

The unemployment insurance decision dated April 13, 2021, (reference 03), is affirmed pending the determination of the Benefits Bureau regarding the issue remanded below. If the claimant remains monetarily ineligible after excluding the educational insured wages, then the claimant was overpaid \$6,000.00 in FPUC benefits.

REMAND:

The administrative law judge is remanding to the Benefits Bureau the issue of whether the claimant has sufficient insured wages from her non-educational employer to be monetarily eligible for benefits under Iowa Code 96.4(4).



Sean M. Nelson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 725-9067

July 14, 2021
Decision Dated and Mailed

smn/ol

NOTE TO CLAIMANT:

This decision determines may result in an FPUC overpayment. 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.