

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

IRMA LOPEZ
Claimant

APPEAL 21A-UI-16989-AR-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04/05/20
Claimant: Appellant (4)

PL 116-136, Sec. 2104(f)(2) – Overpayment of Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

The claimant, Irma Lopez, filed an appeal from the August 5, 2021, (reference 03) unemployment insurance decision that determined claimant had been overpaid Federal Pandemic Unemployment Compensation (FPUC) benefits in the amount of \$9,600.00 for 16-week period ending July 25, 2020. The party was properly notified of the hearing. A telephone hearing was scheduled to be held on September 24, 2021. Claimant was not available at the number provided at registration for the hearing. However, there was sufficient evidence in the administrative record to resolve the matter without testimony.

ISSUE:

The issue is whether the claimant is overpaid FPUC benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The decision at issue determined that claimant was overpaid FPUC benefits in the amount of \$9,600.00 for the 16-week period ending July 25, 2020. However, the administrative record, specifically the DBRO and KPYX screens, indicate that claimant did file weekly continuing claims each week for 16 weeks ending July 25, 2020. However, there were three weeks, from the weeks ending June 13, 2020, through June 27, 2020, on which claimant did not receive FPUC benefits because she reported wages in excess of her unemployment benefit amount. The administrative record indicates that claimant filed for and has received FPUC benefits in the gross amount of \$7,800.00. On August 19, 2020, Iowa Workforce Development (IWD) issued a decision (reference 01) that denied claimant UI benefits. That decision has been affirmed. See 21A-UI-10842-AW-T.

REASONING AND CONCLUSIONS OF LAW:

For the following reasons the administrative law judge concludes the claimant was overpaid FPUC benefits for the period in question, but the amount of the overpayment is modified in claimant's favor.

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...

Section 203 of the Continued Assistance for Unemployed Workers Act of 2020 provides in pertinent part:

(a) IN GENERAL. – Section 2104(e) of the CARES Act (15 U.S.C. 9023(e)) is amended to read as follows: . . .

“(e) APPLICABILITY. – An agreement entered into under this section shall apply –

(1) to weeks of unemployment beginning after the date on which such agreement is entered into and ending on or before July 31, 2020; and

(2) to weeks of unemployment beginning after December 26, 2020 (or, if later, the date on which such agreement is entered into), and ending on or before March 14, 2021.”.

(b) AMOUNT.-

(1) IN GENERAL. – Section 2104(b) of the CARES Act (15 U.S.C. 9023(b)) is amended –

(A) in paragraph (1)(B), by striking “of \$600” and inserting “equal to the amount specified in paragraph (3)”; and

(B) by adding at the end of the following new paragraph:

“(3) AMOUNT OF FEDERAL PANDEMIC UNEMPLOYMENT
COMPENSATION.-

“(A) IN GENERAL. – The amount specified in this paragraph is the following
amount:

“(i) For weeks of unemployment beginning after the date on which an
agreement is entered into under this section and ending on or before July 31,
2020, \$600.

“(ii) For weeks of unemployment beginning after December 26, 2020 (or,
if later, the date on which such agreement is entered into), and ending on or
before March 14, 2021, \$300.”.

The decision that denied claimant regular unemployment insurance benefits remains in effect. Because claimant is not eligible for UI 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 decision of the representative dated August 5, 2021, (reference 03) is modified in favor of the appellant. Claimant has been overpaid FPUC benefits in the amount of \$7,800.00, which must be repaid.



Alexis D. Rowe
Administrative Law Judge

September 29, 2021
Decision Dated and Mailed

ar/ol

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.