

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

MIMYA ANDERSEN
Claimant

APPEAL NO. 22A-UI-01347-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

IOWA WORKFORCE DEVELOPMENT

OC: 05/17/20
Claimant: Appellant (1)

Iowa Code Section 96.3(7) – Overpayment of Benefits
Public Law 116-136, §2102 – Pandemic Unemployment Assistance Overpayment

STATEMENT OF THE CASE:

The claimant, Mimya Andersen, filed a timely appeal from the December 8, 2021, reference 01, decision that held the claimant was overpaid \$406.00 in Pandemic Unemployment Assistance (PUA) benefits for the week ending July 11, 2020, due to duplicate PUA payments being issued to the claimant for that week. After due notice was issued, a hearing was held on February 7, 2021. Claimant participated. The hearing in this matter was consolidated with the hearing in Appeal Number 22A-UI-01348-JTT. Exhibits A and B were received into evidence. The administrative law judge took official notice of the following Agency administrative records: DBIN, KPY1, KPYX, KCCO, and the Claim Detail regarding the PUA allowance.

ISSUE:

Whether the claimant was overpaid \$406.00 in Pandemic Unemployment Assistance (PUA) benefits for the week ending July 11, 2020, due to duplicate PUA payments being issued to the claimant for that week.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

The claimant is a self-employed individual who attempted to establish an original claim effective May 17, 2020. Iowa Workforce Development denied regular benefits, due to an absence of base period wages. The claimant applied for Pandemic Unemployment Assistance (PUA). IWD approved \$203.00 in weekly PUA benefits for the period beginning March 29, 2020. Based on the PUA eligibility, Iowa Workforce Development approved the claimant for \$600.00 in weekly Federal Pandemic Unemployment Compensation (FPUC) for the period beginning March 29, 2020.

The claimant made weekly claims that included three weekly claims for the week that ended July 11, 2020. On July 14, 2020, Iowa Workforce Development disbursed \$203.00 in PUA benefits and \$600.00 in FPUC benefits for the week ending July 11, 2020. On July 15, 2020, IWD erroneously disbursed \$203.00 in PUA benefits and \$600.00 in FPUC benefits for the same week. On July 16, 2020, IWD again erroneously disbursed \$203.00 in PUA benefits and

\$600.00 in FPUC benefits for the same week. The erroneous disbursements resulted in the claimant being paid \$406.00 in extra PUA benefits and \$1,200.00 in extra FPUC benefits for the week that ended July 11, 2020. The claimant concedes she was overpaid and the overpayment amounts. At the time the claimant received the extra benefits, she was under the belief that the benefits were retroactive benefits paid for the period between March 29, 2020 and May 16, 2020. However, those retroactive payments were not made until October 9, 2020.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.3(7) provides, in pertinent part:

7. Recovery of overpayment of benefits.

a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

b. (1) (a) If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The Pandemic Unemployment Assistance program provides for weekly unemployment benefit assistance to any covered individual for any weeks beginning on or after January 27, 2020 and ending on or before December 31, 2020, during which the individual is unemployed, partially unemployed, or unable to work due to COVID-19. That period was subsequently extended through the week ending September 4, 2021. See American Rescue Plan Act of 2021. Iowa ended its participation in the program effective June 12, 2021.

Public Law 116-136, Sec. 2102 provides in relevant part:

(h) RELATIONSHIP BETWEEN PANDEMIC UNEMPLOYMENT ASSISTANCE AND DISASTER UNEMPLOYMENT ASSISTANCE.—Except as otherwise provided in this section or to the extent there is a conflict between this section and section 625 of title 20, Code of Federal Regulations, such section 625 shall apply to this section as if—

(1) the term “COVID–19 public health emergency” were substituted for the term “major disaster” each place it appears in such section 625; and

(2) the term “pandemic” were substituted for the term “disaster” each place it appears in such section 625.

20 CFR Sec. 625.14 provides in relevant part:

(a) Finding and repayment. If the State agency of the applicable State finds that an individual has received a payment of DUA to which the individual was not entitled under the Act and this part, whether or not the payment was due to the individual's fault or misrepresentation, the individual shall be liable to repay to the applicable State the total sum of the payment to which the individual was not entitled, and the State agency shall

take all reasonable measures authorized under any State law or Federal law to recover for the account of the United States the total sum of the payment to which the individual was not entitled.

The evidence in the record establishes the claimant was indeed overpaid \$406.00 in PUA benefits for the week ending July 11, 2020, due to duplicate payments made for that week. The claimant must repay the overpaid PUA benefits unless the claimant applies for and is approved for waiver or repayment of PUA benefits. See below.

DECISION:

The December 8, 2021, reference 01, decision is affirmed. The claimant was overpaid \$406.00 in Pandemic Unemployment Assistance (PUA) benefits for the week ending July 11, 2020, due to duplicate PUA payments being issued to the claimant for that week. The claimant must repay the overpaid PUA benefits unless the claimant applies for and is approved for waiver or repayment of PUA benefits. See below.



James E. Timberland
Administrative Law Judge

February 25, 2022
Decision Dated and Mailed

jet/mh

Note to Claimant: This decision determines you have been overpaid PUA 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.