

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**JOY HASBROUCK**  
Claimant

**APPEAL NO: 22A-UI-01206-SN-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 03/08/20**  
**Claimant: Appellant (4)**

PL116-136, Sec. 2102 – Pandemic Unemployment Assistance (PUA)

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the December 6, 2021, (reference 01) unemployment insurance decision that concluded she was overpaid \$230.00 in Pandemic Unemployment Assistance (PUA) benefits. After proper notice, a telephone hearing was conducted on February 4, 2022. The hearing was held jointly with appeal 22A-UI-01207-SN-T. The claimant participated. Official notice of the administrative records was taken.

**ISSUES:**

Is the claimant overpaid PUA benefits?

**FINDINGS OF FACT:**

The claimant filed a new claim for unemployment insurance benefits with an effective date of March 22, 2020.

The administrative record KPY1 demonstrates the claimant received two payments of \$203.00 or \$172.55 net in federal benefits assigned to the benefit week ending July 11, 2020. One payment was issued on July 14, 2020. The duplicate payment was issued on July 15, 2020. The claimant looked at her banking records during the hearing and confirmed that the payments were made.

**REASONING AND CONCLUSIONS OF LAW:**

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

As shown below, PL116-136, Sec. 2102 instructs states to refer to regulations in 20 CFR § 625.14(a) regarding Disaster Unemployment Assistance (DUA) regarding recovery of PUA payments made in error. Those regulations, in turn, direct states administering the PUA program to use their own recovery laws to recover benefits paid in error and return those payments to the United States.

**SEC. 2102. PANDEMIC UNEMPLOYMENT ASSISTANCE.**

(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 § 625.14 provides, in pertinent 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. [Emphasis added]**

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

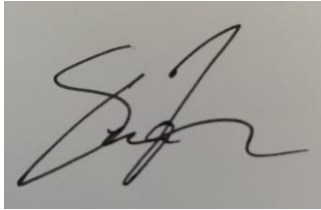
7. Recovery of overpayment of benefits.

- 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.

The claimant received a duplicate payment of \$203.00 gross for the week ending July 11, 2020. The claimant has been overpaid PUA benefits.

**DECISION:**

The unemployment insurance decision dated December 6, 2021, (reference 01), is modified in favor of the appellant. The claimant was overpaid PUA benefits in the amount of \$203.00. The representative was incorrect in stating the number was \$230.00.



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

February 24, 2022  
Decision Dated and Mailed

smn/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/application-overpayment-waiver>. If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.