

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MADISON ESCHBACH
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 22A-UI-00754-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/22/20
Claimant: Appellant (1)

PL 116-136, Sec. 2102 – Pandemic Unemployment Assistance

STATEMENT OF THE CASE:

Madison M Eschbach, the claimant/appellant, filed an appeal from the December 6, 2021, (reference 01) unemployment insurance (UI) decision that concluded she was overpaid Pandemic Unemployment Assistance (PUA) benefits in the gross amount of \$203.00 for the week ending July 11, 2020. The parties were properly notified about the hearing. A telephone hearing was held on January 31, 2022. Ms. Eschbach participated and testified. The administrative law judge took official notice of the administrative record.

ISSUES:

Has Ms. Eschbach been overpaid PUA benefits?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: Ms. Eschbach filed an initial claim for REGULAR UI benefits effective March 22, 2020. On June 13, 2020, Iowa Workforce Development approved Ms. Eschbach for PUA benefits as of March 22, 2020. Her weekly PUA amount was \$203.00.

On July 14, 2020, Iowa Workforce Development (WD) sent Ms. Eschbach a PUA payment via direct deposit in the gross amount of \$203.00 for one week, the week of July 5-11, 2020. On July 16, 2020, IWD sent Ms. Eschbach a PUA payment via direct deposit in the gross amount of \$203.00 for the same week.

Almost one year and eight months after she filed her claim, and almost one year and five months after IWD sent her the PUA payments, IWD issued the reference 01 decision appealed in this matter.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes Ms. Eschbach has been overpaid PUA benefits.

Iowa Code §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 CARES Act, as amended, provides:

9021(d)(4) WAIVER AUTHORITY.- In the case of individuals who have received amounts of pandemic unemployment assistance to which they were not entitled, the State shall require such individuals to repay the amounts of such pandemic unemployment assistance to the State agency, except that the State agency may waive such repayment if it determines that-

(A) the payment of such pandemic unemployment assistance was without fault on the part of any such individual; and

(B) such repayment would be contrary to equity and good conscience.

15 U.S.C. §9021(d)(4) as amended by Continued Assistance Act, H.R. 133, 116 Congress, Sec. 201(d). In

IWD sent Ms. Eschbach PUA payments twice for the week of July 5-11, 2020. It appears this overpayment occurred through no fault of Ms. Eschbach. Ms. Eschbach did not even know that IWD had sent her PUA benefits twice for the same week since IWD does not tell claimants which week each specific benefit payment is for.

However, Ms. Eschbach received PUA benefits to which she was not entitled. The law requires recovery of these benefits. Ms. Eschbach has been overpaid PUA benefits in the gross amount of \$203.00 for one week, the week of July 5-11, 2020, which should be repaid.

DECISION:

The December 6, 2021, (reference 01) unemployment insurance decision is affirmed. Ms. Eschbach has been overpaid PUA benefits in the gross amount of \$203.00, which must be repaid.



Daniel Zeno
Administrative Law Judge
Iowa Workforce Development
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax 515-478-3528

February 18, 2022
Decision Dated and Mailed

dz/mh

NOTE TO MS. ESCHBACH:

- This decision determines you have been overpaid PUA 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 either 1) online, OR 2) in writing by mail.**
- The **online request form** is available on the Iowa Workforce Development website at: <https://www.iowaworkforcedevelopment.gov/federal-unemployment-insurance-overpayment-recovery>
- The **written request** must include the following information:
 - Your name & address.
 - Decision number/date of decision.
 - Dollar amount of overpayment requested for waiver.
 - 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
- If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.