

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

GENET E LEMA
Claimant

APPEAL NO. 21A-UI-09253-B2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 06/14/21
Claimant: Appellant (1)**

Iowa Code § 96.3-7 – Recovery of Overpayment of Benefits
Fed Law PL 116-136, Sec. 2104 – Overpayment of FPUC

STATEMENT OF THE CASE:

Claimant filed an appeal from the March 19, 2021, reference 03, decision that found claimant to have been overpaid benefits. After due notice was issued, a hearing was held on June 17, 2021. The claimant did participate. Interpretive services were provided by CTS Language Link.

ISSUES:

Whether claimant is overpaid FPUC unemployment insurance benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The overpayment issue in this case was created by a ruling claimant was improperly paid FPUC unemployment benefits. Claimant was deemed to have been overpaid \$1,500.00 in FPUC unemployment benefits for the 15 weeks ending July 11, 2020. Claimant admitted to admitting unemployment benefits although she stated the time of receipt was after the time period in question.

REASONING AND CONCLUSIONS OF LAW:

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 except that the State agency may waive such repayment if it determines that

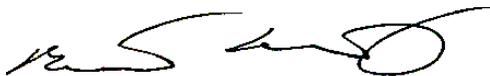
(A) the payment of such FPUC was without fault on the part of any such individual; and

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

Here, the claimant was disqualified from receiving regular unemployment insurance (UI) benefits. Accordingly, this also disqualifies claimant from receiving Federal Pandemic Unemployment Compensation (FPUC). The claimant was overpaid \$1,500.00 in Federal Pandemic Unemployment Compensation (FPUC).

DECISION:

The unemployment insurance decision dated March 19, 2020, (reference 03), is affirmed. The claimant was overpaid \$1,500.00 in Federal Pandemic Unemployment Compensation (FPUC).



Blair A. Bennett
Administrative Law Judge

June 30, 2021
Decision Dated and Mailed

bab/mh