CANDY L HANNA Claimant **IOWA WORKFORCE** **DEVELOPMENT DEPARTMENT**	**APPEAL 21A-UI-24516-DZ-T** **ADMINISTRATIVE LAW JUDGE** **DECISION** **OC: 07/05/20** **Claimant: Appellant (1)**

PL116-136, Sec. 2104 – Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

Candy L Hanna, the claimant/appellant, filed an appeal from the November 2, 2021, (reference 04) unemployment insurance decision that concluded she was overpaid Federal Pandemic Unemployment Compensation (FPUC) benefits in the gross amount of $1,800.00. Ms. Hanna was properly notified of the hearing. A telephone hearing was held on January 4, 2022. Ms. Hanna participated and testified. The administrative law judge took official notice of the administrative record.

ISSUES:

Has Ms. Hanna been overpaid FPUC benefits?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: Ms. Hanna filed an initial claim for REGULAR UI benefits effective July 5, 2020. She filed weekly claims between July 5, 2020 and August 15, 2021.

FPUC is a program under the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 that provides additional payment to those individuals that are receiving state or federal unemployment insurance payments. It is funded by the federal government, not by state unemployment taxes paid by employers. The FPUC amount was $600.00 per week from April 5, 2020 through July 31, 2020.

Over six months after she filed her initial claim, and had already received REGULAR UI benefits, IWD issued a reference 02 decision finding Ms. Hanna not eligible for REGULAR UI benefits. Ms. Hanna appealed the decision to the Iowa Workforce Development Appeals Bureau. The administrative law judge's decision in Appeal 21A-UI-24514-DZ-T, affirmed the reference 02 decision.

Ms. Hanna received REGULAR UI benefits in the gross amount of $2,247.00 for 6 weeks from July 5, 2020 through August 15, 2020. Ms. Hanna also received FPUC benefits in the gross amount of $1,800.00 for 2 weeks between July 5, 2020 and July 25, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes Ms. Hanna has been overpaid FPUC 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.

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…

Since Ms. Hanna is not eligible for REGULAR UI benefits, she is not eligible for FPUC benefits. Ms. Hanna has been overpaid FPUC in the gross amount of $1,800.00 for 3 weeks between July 5, 2020 and July 25, 2020, which should be repaid.

DECISION:

The November 2, 2021, (reference 04) unemployment insurance decision is affirmed. Ms. Hanna has been overpaid FPUC benefits in the gross amount of $1,800.00, 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

__January 27, 2022__
Decision Dated and Mailed

dz/mh

NOTE TO MS. HANNA:

- 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 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:

  o Your name & address.
  o Decision number/date of decision.
  o Dollar amount of overpayment requested for waiver.
  o 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.