

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JOSE J ANGEL
Claimant

APPEAL NO. 22A-UI-07475-JT-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 12/06/20
Claimant: Appellant (1)

P.L. 116-136, §2107 – Pandemic Emergency Unemployment Compensation Overpayment

STATEMENT OF THE CASE:

On March 15, 2022, Jose Angel (claimant) filed a timely appeal from the March 9, 2022 (reference 03) decision that held the claimant was overpaid \$2,795.00 in Pandemic Emergency Unemployment Compensation (PEUC) benefits for five weeks between February 28, 2021 and April 3, 2021, due to the reference 02 decision that denied PEUC benefits for the affected period. After due notice was issued, a hearing was held on May 12, 2022. There were three appeal numbers set for a consolidated hearings: 22A-UI-07469-JT-T, 22A-UI-07475-JT-T and 22A-UI-07479-JT-T. Claimant participated and was represented by Sharon Healey. The claimant and Ms. Healey testified. Exhibits A through E were received into evidence. The administrative law judge took official notice of the following Agency administrative records: DBRO, KPYX, WAGE-A, WAGE-B, WAGE-C, and the reference 02 decision.

ISSUE:

Whether the claimant was overpaid \$2,795.00 in Pandemic Emergency Unemployment Compensation (PEUC) benefits for five weeks between February 28, 2021 and April 3, 2021, due to the reference 02 decision that denied PEUC benefits for the affected period.

FINDINGS OF FACT:

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

Jose Angel (claimant) established an original claim for benefits that was effective December 6, 2020. The claimant received \$2,795.00 in Pandemic Emergency Unemployment Compensation (PEUC) for the five weeks between February 28, 2021 and April 3, 2021. The claimant also received \$1,500.00 in Federal Pandemic Unemployment Compensation (FPUC) for those same five weeks.

On April 27, 2021, Iowa Workforce Development Benefits Bureau entered a reference 02 decision that denied Pandemic Emergency Unemployment Compensation (PEUC) for the period beginning February 28, 2021, based on the deputy's conclusion that the claimant appeared to be monetarily eligible for regular benefits in the state of Washington. The reference 02 decision prompted the overpayment decision from which the claimant appeals in

the present matter. The reference 02 decision has been affirmed in Appeal Number 22A-UI-07469-JT-T.

REASONING AND CONCLUSIONS OF LAW:

PL 116-136, Section 2107(e) provides, in relevant part, as follows:

(e) Fraud and overpayments

...

(2) Repayment

In the case of individuals who have received amounts of pandemic emergency unemployment compensation under this section to which they were not entitled, the State shall require such individuals to repay the amounts of such pandemic emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

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

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

(3) Recovery by State agency

(A) In general

The State agency shall recover the amount to be repaid, or any part thereof, by deductions from any pandemic emergency unemployment compensation payable to such individual under this section or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the pandemic emergency unemployment compensation to which they were not entitled, in accordance with the same procedures as apply to the recovery of overpayments of regular unemployment benefits paid by the State.

(B) Opportunity for hearing

No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(4) Review

Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

Because the reference 02 decision denied PEUC benefits for the period beginning February 28, 2021, and because the reference 02 decision remains in effect, the \$2,795.00 in PEUC benefits the claimant received for five weeks between February 28, 2021 and April 3, 2021 is an

overpayment of benefits. The claimant must repay the overpaid PEUC benefits unless the claimant applies for and is approved for waiver of repayment of PEUC benefits. See below.

DECISION:

The March 9, 2022 (reference 03) decision is affirmed. The claimant was overpaid \$2,795.00 in PEUC benefits for five weeks between February 28, 2021 and April 3, 2021, due to the reference 02 decision that denied PEUC benefits for that period. The claimant must repay the overpaid PEUC benefits unless the claimant applies for and is approved for waiver of repayment of PEUC benefits. See below.



James E. Timberland
Administrative Law Judge

June 30, 2022
Decision Dated and Mailed

jet/mh

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