

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JACK N MANNING
Claimant

APPEAL 21A-UI-24465-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 12/29/19
Claimant: Appellant (1)**

PL116-136, Sec. 2107 – Pandemic Emergency Unemployment Compensation (PEUC)

STATEMENT OF THE CASE:

Jack N Manning, the claimant/appellant, filed an appeal from the October 25, 2021, (reference 02) unemployment insurance decision that concluded he was overpaid Pandemic Emergency Unemployment Compensation (PEUC) benefits in the gross amount of \$6,253.00. The parties were properly notified of the hearing. A telephone hearing was held on January 3, 2022. Mr. Manning participated and testified. Kelly Manning, Mr. Manning's wife, testified in his favor. The administrative law judge took official notice of the administrative record.

ISSUES:

Has Mr. Manning been overpaid PEUC benefits?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: Mr. Manning filed an initial claim for REGULAR UI benefits effective December 29, 2021. He filed weekly claims from December 29, 2019 through October 10, 2020.

Section 2107 of the CARES Act created a new temporary federal program called Pandemic Emergency Unemployment Compensation (PEUC) that initially provided up to 13 additional weeks of benefits to individuals who have exhausted their regular unemployment compensation entitlement.

Over a year after he filed his initial claim, and had already received PEUC benefits, IWD issued a January 15, 2020 (reference 01) decision (mailed on January 16, 2021) finding Mr. Manning not eligible for PEUC benefits. Mr. Tapscott appealed the decision to the Iowa Workforce Development Appeals Bureau. The administrative law judge's decision in Appeal 21A-UI-24464-DZ-T, affirmed the reference 01 decision.

Mr. Manning had received PEUC benefits in the gross amount of \$6,253.00 for 13 weeks between July 12, 2020 and October 10, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes Mr. Manning has been overpaid PEUC 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.

PL 116-136 Sec 2107 provides in pertinent part:

PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) FEDERAL-STATE AGREEMENTS. —

(1) IN GENERAL. — Any State which desires to do so may enter into and participate in an agreement under this section with the Secretary of Labor (in this section referred to as the "Secretary"). Any State which is a party to an agreement under this section may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(2) PROVISIONS OF AGREEMENT. —

Any agreement under paragraph (1) shall provide that the State agency of the State will make payments of pandemic emergency unemployment compensation to individuals who—

(A) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before July 1, 2019);

(B) have no rights to regular compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law;

(C) are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

(D) are able to work, available to work, and actively seeking work.

Since Mr. Manning is not eligible for REGULAR UI benefits, he is not eligible for PEUC benefits. The administrative law judge concluded that Mr. Manning has been overpaid PEUC benefits in the gross amount of \$6,253.00 for 13 weeks between July 12, 2020 and October 10, 2020, which should be repaid.

DECISION:

The October 25, 2021, (reference 02) unemployment insurance decision is affirmed. Mr. Manning has been overpaid PEUC benefits in the gross amount of \$6,253.00, 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 MR. MANNING:

- This decision determines you have been overpaid PEUC 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.