

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KENIELLE KINNEY
Claimant

APPEAL 22A-UI-01168-JD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 04/05/20
Claimant: Appellant (1)**

PL 116-136, Sec. 2102 – Federal Pandemic Unemployment Assistance (PUA)
Iowa Code § 96.3(7) – Payment – Overpayment

STATEMENT OF THE CASE:

Claimant filed an appeal from the December 14, 2021, (reference 01) unemployment insurance decision that found claimant was overpaid Pandemic Unemployment Assistance (PUA) benefits. Claimant was properly notified of the hearing. A telephone hearing was held on February 4, 2022. Claimant participated. Claimant's Exhibits A, B, C were offered and admitted. Official notice was taken of the administrative record.

ISSUE:

Whether claimant is overpaid PUA benefits.

FINDINGS OF FACT:

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

Claimant received two payments of PUA benefits in the gross amount of \$531.00 each for the benefit week ending July 11, 2020. Iowa Workforce Development (IWD) authorized the payments on July 14, 16, 2020. The payments were deposited into claimant's account within three or four days of authorization. Claimant received two PUA payments for the benefit week ending July 11, 2020, due to a duplicate payment paid by IWD.

Claimant was overpaid \$531.00 in PUA benefits for the week ending July 11, 2020.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code section 96.3(7) states:

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 Pandemic Unemployment Assistance program provides for weekly unemployment benefit assistance to any covered individual for any weeks beginning on or after January 27, 2020 and ending on or before December 31, 2020, during which the individual is unemployed, partially unemployed, or unable to work due to COVID-19. That period was subsequently extended through the week ending September 4, 2021. See American Rescue Plan Act of 2021. Iowa ended its participation in the program effective June 12, 2021.

Public Law 116-136, Sec. 2102 provides in relevant part:

(h) RELATIONSHIP BETWEEN PANDEMIC UNEMPLOYMENT ASSISTANCE AND DISASTER UNEMPLOYMENT ASSISTANCE.—Except as otherwise provided in this section or to the extent there is a conflict between this section and section 625 of title 20, Code of Federal Regulations, such section 625 shall apply to this section as if—

(1) the term “COVID–19 public health emergency” were substituted for the term “major disaster” each place it appears in such section 625; and

(2) the term “pandemic” were substituted for the term “disaster” each place it appears in such section 625.

20 CFR Sec. 625.14 provides in relevant part:

(a) Finding and repayment. If the State agency of the applicable State finds that an individual has received a payment of DUA to which the individual was not entitled under the Act and this part, whether or not the payment was due to the individual's fault or misrepresentation, the individual shall be liable to repay to the applicable State the total sum of the payment to which the individual was not entitled, and the State agency shall take all reasonable measures authorized under any State law or Federal law to recover for the account of the United States the total sum of the payment to which the individual was not entitled.

Claimant did not seek out multiple payments, and it appears this overpayment occurred through no fault of the claimant. Regardless of fault, however, claimant has received PUA benefits to which they were not entitled. Therefore, the administrative law judge concludes that claimant has been overpaid PUA benefits in the amount of \$531.00 for the one-week period ending July 11, 2020. Those benefits are subject to recovery in accordance with Iowa law.

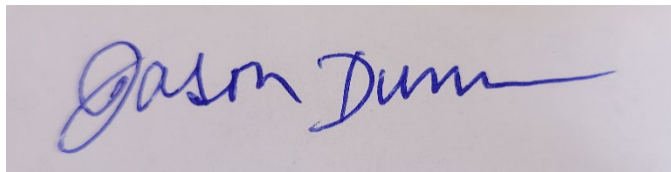
This decision determines claimant is overpaid benefits, and the administrative law judge lacks authority to waive the overpayment. If claimant disagrees with this decision claimant may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.

Claimant may also choose to pursue a waiver of the overpayment balance. Instructions for requesting a waiver of this overpayment can be found at:

<https://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment-and-recovery>.

DECISION:

The December 14, 2021 (reference 01) unemployment insurance decision is affirmed. Claimant has been overpaid PUA benefits in the amount of \$531.00.



Jason Dunn
Administrative Law Judge
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February 25, 2022
Decision Dated and Mailed

jd/scn