

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

STEPHANIE A HEMBRY
Claimant

APPEAL NO. 22A-UI-06164-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/15/20
Claimant: Appellant (1)

PL 116-136, Sec. 2104 –Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

On March 11, 2022, Stephanie Hembry (claimant/appellant) appealed the Iowa Workforce Development (“IWD”) decision dated March 9, 2022 (reference 02) that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation in the amount of \$4,200.00 for the eight-week period between March 29 and May 23, 2020 due to a failure to report wages earned.

A telephone hearing was held on April 21, 2022, pursuant to due notice. Claimant participated personally. The administrative law judge took official notice of the administrative record, including the wage reported audit. Employer participated by Dr. Amy Osenbaugh Porterfield.

ISSUE:

Was the claimant overpaid Federal Pandemic Unemployment Compensation (FPUC)?

FINDINGS OF FACT:

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

The administrative record shows claimant received FPUC in the amount of \$600.00 per week for a total of eight weeks, from the benefit week ending April 11, 2020 and continuing through the benefit week ending May 23, 2020. The total amount of FPUC paid during that period is \$4,800.00.

Claimant was subsequently determined to be ineligible for unemployment insurance benefits in each of those weeks except the week ending May 16, 2022 due to a failure to report wages earned. That decision has now been affirmed. See 22A-UI-06163-AD-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the decision dated March 9, 2022 (reference 02) that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation in the amount of \$4,200.00 for the eight-week period between March 29 and May 23, 2020 due to a failure to report wages earned is **AFFIRMED**.

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 Federal Pandemic Unemployment Compensation was without fault on the part of any such individual; and

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

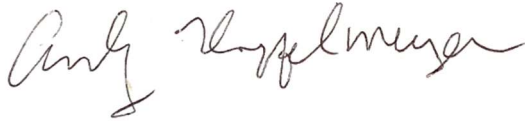
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Because the claimant was ineligible for UI during each of the weeks filed except the week ending May 16, 2022 she was also ineligible for FPUC in each of those weeks. Claimant has therefore been overpaid FPUC in the amount of \$4,200.00.

DECISION:

The decision dated March 9, 2022 (reference 02) that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation in the amount of \$4,200.00 for the eight-week period between March 29 and May 23, 2020 due to a failure to report wages earned is AFFIRMED.



Andrew B. Duffelmeyer
Administrative Law Judge

April 25, 2022
Decision Dated and Mailed

abd/abd

Note to Claimant:

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.

If this decision determines you have been overpaid federal pandemic-related benefits you may request a waiver of the overpayment. Instructions for requesting a waiver can be found at <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment-and-recovery>. If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.