

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SHANNON E GILLIGAN-BRACE
Claimant

APPEAL NO: 21A-UI-11130-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

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

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
PL116-136, Sec. 2104 – Federal Pandemic Unemployment Compensation (FPUC)

STATEMENT OF THE CASE:

The claimant filed an appeal from the March 29, 2021, (reference 02) unemployment insurance decision that concluded she was overpaid \$6,000.00 in Federal Pandemic Unemployment Compensation (FPUC) benefits. After proper notice, a telephone hearing was conducted on July 7, 2021. The claimant participated personally. Official notice of the administrative records was taken.

ISSUES:

Has the claimant been overpaid any unemployment insurance benefits?
Is 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 claimant filed a new claim for unemployment insurance benefits with an effective date of March 15, 2020.

The claimant received federal unemployment insurance benefits through Federal Pandemic Unemployment Compensation (FPUC). Claimant received \$6,000.00 in federal benefits for the ten-week period ending June 27, 2020.

Claimant was paid the same benefits a second time due to agency error associated with the changing of debit cards. Claimant self-reported the error to IWD upon discovery. Administrative records reflect the following payments were made to claimant, which led to the overpayment:

DRF-ISSUED	NET-PAID	PAY-METHOD	LAST-BWED	CHILD-SP	INCOME-TAX-WITHHELD		YEAR
					FEDERAL	IOWA	
09/15/2020	5100.00	CANCELLED	07/25/2020	0.00	600.00	300.00	2020
09/15/2020	1530.00	CANCELLED	09/05/2020	0.00	180.00	90.00	2020
12/31/2020	510.00	DEBIT-CARD	05/09/2020	0.00	60.00	30.00	2021
12/31/2020	510.00	DEBIT-CARD	05/16/2020	0.00	60.00	30.00	2021
12/31/2020	510.00	DEBIT-CARD	05/23/2020	0.00	60.00	30.00	2021
12/31/2020	510.00	DEBIT-CARD	05/30/2020	0.00	60.00	30.00	2021
01/04/2021	510.00	DEBIT-CARD	05/09/2020	0.00	60.00	30.00	duplicate

01/04/2021	510.00	DEBIT-CARD	05/16/2020	0.00	60.00	30.00	<i>duplicate</i>
01/04/2021	510.00	DEBIT-CARD	05/23/2020	0.00	60.00	30.00	<i>duplicate</i>
01/04/2021	510.00	DEBIT-CARD	05/30/2020	0.00	60.00	30.00	<i>duplicate</i>
01/19/2021	600.00	DEBIT-CARD	01/09/2021	0.00	0.00	0.00	2021
01/26/2021	3060.00	WARRANT	07/25/2020	0.00	0.00	0.00	
01/26/2021	1530.00	WARRANT	09/05/2020	0.00	0.00	0.00	
01/28/2021	510.00	CANCELLED	01/23/2021	0.00	60.00	30.00	2021
(w/e 1-23-21-will be reissued when Debit card issue is corrected)							
02/11/2021	510.00	DEBIT-CARD	05/09/2020	0.00	60.00	30.00	<i>duplicate</i>
02/11/2021	510.00	DEBIT-CARD	05/16/2020	0.00	60.00	30.00	<i>duplicate</i>
02/11/2021	510.00	DEBIT-CARD	05/23/2020	0.00	60.00	30.00	<i>duplicate</i>
02/11/2021	510.00	DEBIT-CARD	05/30/2020	0.00	60.00	30.00	<i>duplicate</i>
02/11/2021	510.00	DEBIT-CARD	06/20/2020	0.00	60.00	30.00	<i>duplicate</i>
02/11/2021	510.00	DEBIT-CARD	06/27/2020	0.00	60.00	30.00	<i>duplicate</i>
02/11/2021	510.00	DEBIT-CARD	02/06/2021	0.00	60.00	30.00	2021
02/25/2021	510.00	DEBIT-CARD	02/20/2021	0.00	60.00	30.00	2021

10 weeks = \$6,000.00

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was overpaid FPUC benefits.

Iowa Code section 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.

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...

The administrative law judge is sympathetic to the claimant's situation. However, she was paid \$600 FPUC payments twice over a ten-week period. As a result, claimant has been overpaid \$6,000 in FPUC benefits, which are subject to recovery.

Instructions for requesting a waiver of this overpayment 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.

DECISION:

The unemployment insurance decision dated March 29, 2021, (reference 02), is AFFIRMED. The claimant was overpaid \$6,000.00 in Federal Pandemic Unemployment Compensation (FPUC).



Jennifer L. Beckman
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax 515-478-3528

July 19, 2021
Decision Dated and Mailed

jlb/mh

Note to Claimant:

This decision determines you have been overpaid FPUC 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-and-recovery>. If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.

Individuals who do not qualify for regular unemployment insurance benefits, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.

You may find additional information about food, housing, and other resources at <https://covidrecoveryiowa.org/> or at <https://dhs.iowa.gov/node/3250>