

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building, 4TH Floor
Des Moines, Iowa 50319
eab.iowa.gov**

LORI K GRAVES

Claimant

and

IWD INTEGRITY BUREAU

Employer

: **APPEAL NUMBER: 24B-UI-02779**
: **ALJ HEARING NUMBER: 24A-UI-02779**
:
: **EMPLOYMENT APPEAL BOARD**
: **DECISION**
:
:
:

NOTICE

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT IS FILED WITHIN 30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.3-7 116-136

DECISION

The Claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. With the following modification, the administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED** with the following **MODIFICATION**:

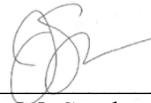
The Board strikes the paragraph of the Reasoning and Conclusions of Law ending in “Iowa Code section 96.5(8)” found on page 4 of the Administrative Law Judge’s decision.

The Board adds the following additional analysis to the Reasoning and Conclusions of Law:

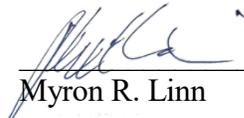
This case involves federal benefits, and so the citation to state fraud and misrepresentation standards are for background only. The federal standard, which is consistent with these, is the result of federal law rather than state rules or statutes.

PEUC benefits are a federal benefit created in three acts passed in 2020 and 2021, namely, the CARES Act in the spring 2020, the *Continued Assistance Act* (CAA) in late December, 2020, and the *American Rescue Plan Act (ARPA)* in the spring of 2021. PEUC basically adds weeks of eligibility to regular benefits, extending them to September 5, 2021 although Iowa ended participation in *all* these federal benefits as of June 12, 2021. Disqualifications that apply to regular benefits also apply to PEUC. The weekly benefit amount is the same as the regular benefit claim that is exhausted.

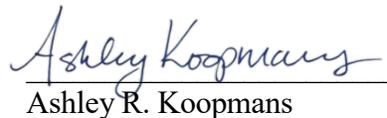
Under federal law “[e]ligibility fraud occurs when benefits or services are acquired as a result of false information being provided with the intent to receive benefits for which an individual would not otherwise be eligible. State law determines the criteria for establishing a fraud determination within the UC programs.” https://wdr.doleta.gov/directives/attach/UIPL/UIPL_20-21_Change_1_acc.pdf. “[T]he state must apply a minimum 15 percent monetary penalty to an overpayment when the state determines, in accordance with their state UC law, that such a payment was made due to fraud. States must apply the same monetary penalty to CARES Act UC programs as it does to the regular UC program.” Id. Given the use of “with the intent,” we interpret “false information” in the description of eligibility fraud to indicate mendacity not merely inaccuracy. We think this definition thus is consistent with Iowa’s fraud provision, 871 IAC 25.1, and requires the same the two key elements: (1) knowledge of the falsity and (2) specific intent to deceive the agency so as to receive more benefits. We find these elements have been proven here.



James M. Strohman



Myron R. Linn



Ashley R. Koopmans

RRA/mes

DATED AND MAILED May 8, 2024