

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

SUSAN D HARPER
Claimant

APPEAL NO. 21A-UI-01191-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/15/20
Claimant: Appellant (2)

PL116-136, Sec. 2104(f)(2) – Overpayment of Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

On December 10, 2020, Susan Harper (claimant/appellant) appealed the December 10, 2020 (reference 03) decision that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation in the amount of \$1,200.00 for the two weeks ending May 23, 2020.

A telephone hearing was held on February 17, 2021, pursuant to due notice. Claimant participated personally. The administrative law judge took official notice of the administrative record.

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 overpayment decision was based on a disqualification decision that has now been reversed. See 21A-UI-01189-AD-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the December 10, 2020 (reference 03) decision that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation in the amount of \$1,200.00 for the two weeks ending May 23, 2020 is REVERSED.

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.

The overpayment decision was based on a disqualification decision that has now been reversed. See 21A-UI-01189-AD-T. Because the disqualification decision has been reversed, claimant has not been overpaid FPUC.

DECISION:

The December 10, 2020 (reference 03) decision that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation in the amount of \$1,200.00 for the two weeks ending May 23, 2020 is REVERSED. Claimant has not been overpaid FPUC.



Andrew B. Duffelmeyer
Administrative Law Judge
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February 26, 2021
Decision Dated and Mailed

abd/scn