

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**NICK J CHRISTENSEN**  
Claimant

**APPEAL 21A-UI-24500-DH-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 03/22/20  
Claimant: Appellant (1)**

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PL 116-136, Sec. 2107 - Pandemic Emergency Unemployment Compensation

**STATEMENT OF THE CASE:**

Claimant, Nick Christensen, filed an appeal from the October 26, 2021 (reference 04) unemployment insurance decision that found claimant was overpaid \$4,500.00 in Pandemic Emergency Unemployment Compensation (PEUC) benefits for 12 weeks ending 11/04/20 due to the decision issued, which stated claimant was not eligible for benefits during this period. A telephone hearing was scheduled for January 4, 2022 at 1:05 PM and the cases were consolidated. The parties were properly notified of the hearing. Claimant participated. The Department did not participate. Judicial notice was taken of the administrative file and the records therein.

**ISSUE:**

Is the claimant was overpaid PEUC benefits?

**FINDINGS OF FACT:**

Having heard the testimony and reviewed the evidence in the record, the undersigned finds:

Claimant filed a new claim for unemployment insurance benefits with an effective date of March 3, 2020. The unemployment insurance decision reference 02 that disqualified claimant from regular unemployment benefits as a voluntary quit was AFFIRMED in appeal decision 21A-UI-00138-AW-T. That decision was not appealed.

Claimant was paid PEUC benefits in the amount of \$4,500.00 for 12 weeks ending 11/04/20.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons set forth below, the administrative law judge concludes he was overpaid PEUC and does have to repay benefits.

Iowa Code section 96.6(3) provides:

3. Appeals. a. Unless the appeal is withdrawn, an administrative law judge, after affording the parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact and decision of the representative. The hearing shall be conducted pursuant to the provisions of chapter 17A relating to hearings for contested cases. Before the hearing is scheduled, the parties shall be afforded the opportunity to choose either a telephone hearing or an in-person hearing. A request for an in-person hearing shall be approved unless the in-person hearing would be impractical because of the distance between the parties to the hearing. The notice for a telephone or in-person hearing shall be sent to all the parties at least ten calendar days before the hearing date. Reasonable requests for the postponement of a hearing shall be granted. The parties shall be duly notified of the administrative law judge's decision, together with the administrative law judge's reasons for the decision, which is the final decision of the department, unless within fifteen days after the date of notification or mailing of the decision, further appeal is initiated pursuant to this section.

b. Appeals from the initial determination shall be heard by an administrative law judge employed by the department. An administrative law judge's decision may be appealed by any party to the employment appeal board created in section 10A.601. The decision of the appeal board is final agency action and an appeal of the decision shall be made directly to the district court.

The underlying issue of eligibility of regular benefits has already been adjudicated and is not under appeal. With the unemployment insurance decision that disqualified the claimant from receiving benefits remaining in effect in appeal decision 21A-UI-00138-AW-T, which claimant did not appeal, claimant is not qualified for the benefits at hand.

Regarding the Pandemic Emergency Unemployment Compensation (PEUC) program:

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.

PL 116-136 Sec 2107 provides in pertinent part:

PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION.

(2) PROVISIONS OF AGREEMENT. —

Any agreement under paragraph (1) shall provide that the State agency of the State will make payments of pandemic emergency unemployment compensation to individuals who—

(A) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before July 1, 2019);

(B) have no rights to regular compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law;


(C) are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

(D) are able to work, available to work, and actively seeking work.

Here, claimant has already been disqualified from receiving regular benefits, as detailed above. The reason is claimant voluntarily quit work. The claimant was overpaid \$4,500.00 in PEUC.

**DECISION:**

The October 26, 2021, (reference 04) unemployment insurance decision is **AFFIRMED**. The claimant was overpaid \$4,500.00 in Pandemic Emergency Unemployment Compensation (PEUC), which must be repaid.



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Darrin T. Hamilton  
Administrative Law Judge

January 28, 2022  
Decision Dated and Mailed

dh/mh

*Note to Claimant:*

This decision determines you have been overpaid PEUC 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/federal-unemployment-insurance-overpayment>. If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.

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