

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**MOHAB A ELSHESHTAWY**  
Claimant

**APPEAL NO: 21A-UI-15317-CS-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 05/17/20**  
**Claimant: Appellant (1R)**

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

**STATEMENT OF THE CASE:**

On July 7, 2021, the claimant filed an appeal from the July 1, 2021, (reference 05) unemployment insurance decision that concluded he was overpaid \$6,000 in Federal Pandemic Unemployment Compensation. After proper notice, a telephone hearing was conducted on August 30, 2021. The claimant participated at the hearing. Official notice of the administrative records was taken.

**ISSUE:**

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 May 17, 2020.

The claimant received federal unemployment insurance benefits through Federal Pandemic Unemployment Compensation (FPUC). Claimant received \$6,000.00 in federal benefits for the period of May 27, 2020 and July 28, 2020.

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been affirmed in a decision of the administrative law judge in appeal 21A-UI-06798-S2-T and affirmed by the Employment Appeal Board (EAB) on July 21, 2021. The overpayment of state unemployment benefits was affirmed in 21A-UI-06799-S2-T and affirmed by the EAB on July 19, 2021.

The claimant may request a waiver of repayment by following the link under the “Note to Claimant.”

The claimant has not filed for Pandemic Unemployment Assistance (PUA). Claimant should apply for PUA benefits to see if he qualifies for benefits during the time period in dispute. The claimant may do so by going to: <https://www.iowaworkforcedevelopment.gov/pua-information>.

## **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 FPUC program was extended and the weekly benefit amount was reduced to \$300.00 by the consolidated Appropriations Act, 2021.

Here, the claimant is disqualified from receiving regular unemployment insurance (UI) benefits. Accordingly, this also disqualifies claimant from receiving Federal Pandemic Unemployment Compensation (FPUC). The claimant was overpaid \$6,000.000 in Federal Pandemic Unemployment Compensation (FPUC).

Whether the claimant's overpayment of FPUC benefits should be partially recovered from his PUA benefits is remanded to the Benefits Bureau for review.

**DECISION:**

The unemployment insurance decision dated July 1, 2021, (reference 5), is AFFIRMED. The claimant was overpaid \$6,000.00 in Federal Pandemic Unemployment Compensation (FPUC).

**REMAND:**

Whether the claimant's overpayment of FPUC benefits should be partially recovered from his PUA benefits is remanded to the Benefits Bureau for review.



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Carly Smith  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau

September 3, 2021  
Decision Dated and Mailed

cs/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/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>