

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RICHARD R. NOVENCIDO
Claimant

APPEAL 22A-UI-01749-CS-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04/12/20
Claimant: Appellant (1)

PL116-136, Sec. 2104 – Federal Pandemic Unemployment Compensation (FPUC)

STATEMENT OF THE CASE:

On December 22, 2021, (claimant/appellant) appealed the decision dated December 16, 2021 (reference 02) that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation (FPUC) in the amount of \$600.00 for the one-week period ending July 4, 2020 due to a duplicate payment being issued in error. A telephone hearing was held on February 10, 2022, pursuant to due notice. The hearing was held together with Appeals 22A-UI-01748-CS-T, 22A-UI-01750-CS-T, and 22A-UI-01751-CS-T. The claimant participated through attorney Andrew Meyer. Brad Baetz was called as a witness. Official notice of the administrative records was taken. Exhibits A, B, and C were admitted into the 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: Claimant was granted FPUC benefits and was found eligible for a weekly benefit amount of \$600.00. Claimant made weekly continued claims for the weeks ending July 4, 2020, and July 11, 2020. On July 10, 2020, Iowa Workforce Development (IWD) issued claimant a payment in the gross amount of \$600.00 for the one-week period ending July 4, 2020. On July 14, 2020, claimant was issued a payment in the gross amount of \$1,200.00 for the two-week period ending July 11, 2020. The July 14, 2020, payment paid claimant FPUC benefits for the weeks ending July 4, 2020 and July 11, 2020.

Based on the above, through no fault of his own, claimant has received PUA benefits in the gross amount of \$ 1,200.00 for the one-week period ending July 4, 2020. Claimant was inadvertently paid twice for the week ending July 4, 2020. Claimant was only entitled to receive \$600.00 for the one-week period ending July 4, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the administrative law judge concludes the claimant has been 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.

b. (1) (a) If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

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...

Claimant did not seek out double payments; it appears this overpayment occurred through no fault of the claimant. Regardless of fault, however, claimant has received FPUC benefits to which

he was not entitled. Therefore, the administrative law judge concludes that claimant has been overpaid FPUC benefits in the amount of \$600.00 for the one- week period ending July 4, 2020. Those benefits are subject to recovery in accordance with Iowa law.

This decision determines claimant is overpaid benefits, and the administrative law judge lacks authority to waive the overpayment. If claimant disagrees with this decision claimant 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>.

DECISION:

The December 16, 2021 (reference 02) unemployment insurance decision is affirmed. Claimant has been overpaid FPUC benefits in the amount of \$600.00.



Carly Smith
Administrative Law Judge
Unemployment Insurance Appeals Bureau

March 2, 2022

Decision Dated and Mailed

cs/abd

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-recovery>. 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>