

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

CYNTHIA A URZENDOWSKI
Claimant

APPEAL NO. 22A-UI-08121-JT-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 03/22/20
Claimant: Appellant (3)

P.L. 116-136, §2104 – Federal Pandemic Unemployment Compensation Overpayment

STATEMENT OF THE CASE:

On April 2, 2022, Cynthia Urzendowski (claimant) filed a timely appeal from the March 29, 2022 (reference 04) decision that held the claimant was overpaid \$9,600.00 in Federal Pandemic Unemployment Compensation (FPUC) for 16 weeks between April 5, 2020 and July 25, 2020, due to a January 13, 2021 decision that denied benefits in connection with an availability determination. After due notice was issued, a hearing was held on May 13, 2022. Claimant participated. There were four appeal numbers set for a consolidated hearing: 22A-UI-08119-JT-T, 22A-UI-08120-JT-T, 22A-UI-08121-JT-T, and 22A-UI-08122-JT-T. Exhibit A, the online appeal, was received into evidence. The administrative law judge took official notice of the following Agency administrative records, the reference 02 through 05 decisions, DBIN, KPYX, KCCO, KFFV, the January 16, 2021 application for PUA, and the absence of a decision regarding PUA eligibility.

ISSUE:

Whether the claimant was overpaid \$9,600.00 in Federal Pandemic Unemployment Compensation (FPUC) for 16 weeks between April 5, 2020 and July 25, 2020, due to a January 13, 2021 decision that denied benefits in connection with an availability determination.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

The claimant established an original claim for benefits that was effective March 22, 2020. Iowa Workforce Development set the weekly benefit amount for regular state benefits at \$366.00. IWD paid the claimant \$366.00 in regular state benefits for each of the 18 weeks between March 22, 2020 and July 25, 2020. IWD paid the claimant \$93.18 in regular state benefits for the week that ended August 1, 2020. The regular state benefits for the 19 weeks totaled \$6,681.00. IWD also paid the claimant \$600.00 in Federal Pandemic Unemployment Compensation (FPUC) benefits for each of the 17 weeks between March 29, 2020 and July 25, 2020. IWD also paid the claimant \$300.00 in Lost Wages Assistance Payments (LWAP) for the week that ended August 1, 2020. The claimant's eligibility for the FPUC benefits and the LWAP

benefits depended on the claimant's eligibility for regular state benefits. The claimant received all of the above-referenced benefits.

On January 14, 2021, Iowa Workforce Development Benefits Bureau issued a reference 02 decision that denied regular state benefits effective March 22, 2020, based on the deputy's conclusion the claimant was still employed in her on-call job with Underwood Community School District in the same capacity as in the original contract of hire and was not available for work within the meaning of the law. The reference 02 decision prompted the overpayment decision from which the claimant appeals in the present matter. The reference 02 decision remains in effect. See Appeal Number 22A-UI-08119-JT-T.

REASONING AND CONCLUSIONS OF LAW:

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.

(3) Recovery by state agency —

(A) In general.—The State agency shall recover the amount to be repaid, or any part thereof, by deductions from any Federal Pandemic Unemployment Compensation payable to such individual or from any

unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the Federal Pandemic Unemployment Compensation to which they were not entitled, in accordance with the same procedures as apply to the recovery of overpayments of regular unemployment benefits paid by the State.

(B) Opportunity for hearing.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(4) Review.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

Because the January 14, 2021 (reference 02) decision denied regular state benefits for the period beginning March 22, 2020, and because the reference 02 decision remains in effect, the \$10,200.00 in FPUC benefits the claimant received for 17 weeks between March 29, 2020 and July 25, 2020 is an overpayment of benefits. The claimant must repay the overpaid FPUC benefits unless the claimant applies for and is approved for waiver of repayment of FPUC benefits. See below.

DECISION:

The March 29, 2022 (reference 04) decision is MODIFIED adverse to the claimant as follows. The claimant was overpaid \$10,200.00 in FPUC benefits for 17 weeks between March 29, 2020 and July 25, 2020, due to the January 14, 2021 (reference 02) decision that denied regular state benefits effective March 22, 2020. The claimant must repay the overpaid FPUC benefits unless the claimant applies for and is approved for waiver of repayment of FPUC benefits. See below.



James E. Timberland
Administrative Law Judge

June 30, 2022
Decision Dated and Mailed

jet/kmj

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/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.