

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KIM K STEVENS
Claimant

APPEAL 21A-UI-24513-DH-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 05/10/20
Claimant: Appellant (2)

PL 116-136 Section 2104 – Federal Pandemic Unemployment Compensation (FPUC)

STATEMENT OF THE CASE:

Claimant, Kim Stevens, filed an appeal from the November 1, 2021, (reference 03) unemployment insurance decision that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation (FPUC) benefits in the amount of \$1,200.00 for a 2-week period ending 05/23/2020, as a result of a decision reference 02, which found claimant was not eligible to receive benefits during this period. Notices of hearing were mailed to the parties' last known addresses of record for a telephone hearing scheduled for January 4, 2022 at 8:10AM and the hearings were consolidated. The claimant participated. The Department did not participate. Judicial notice was taken of the administrative file.

ISSUE:

Was the claimant overpaid FPUC 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 May 10, 2020. The claimant filed for and received a total \$1,200.00 in FPUC benefits for 2 weeks between 05/10/20-05/23/2020.

The unemployment insurance decision reference 01 that disqualified claimant was REVERSED in appeal decision 21A-UI-24511-DH-T, which is one of the consolidated companion cases to this matter. The unemployment insurance decision reference 02 that found there was an overpayment of benefits for the same timeframe in question was REVERSED in appeal decision 21A-UI-24512-DH-T, which is one of the consolidated companion cases to this matter.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was overpaid FPUC benefits.

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 \$600.00 (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...

Since the decision disqualifying claimant for regular unemployment benefits was reversed, the decision regarding claimant's overpayment in regular unemployment insurance benefits was also reversed. Accordingly, claimant is NOT disqualified from receiving Federal Pandemic Unemployment Compensation (FPUC) benefits and claimant was NOT overpaid \$1,200.00 in Federal Pandemic Unemployment Compensation (FPUC).

DECISION:

The unemployment insurance decision dated November 1, 2021, (reference 03), is **REVERSED**. Claimant was NOT overpaid FPUC benefits. No repayment is required.



Darrin T. Hamilton
Administrative Law Judge

January 27, 2022
Decision Dated and Mailed

dh/mh