

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ARIEL R BALLARD
Claimant

APPEAL 21A-UI-17235-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 06/07/20
Claimant: Appellant (1)**

Iowa Code § 96.3(7) – Overpayment of Benefits
PL 116-136 Sec 2104 – Federal Pandemic Unemployment Compensation (FPUC)

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the August 3, 2021 (reference 07) unemployment insurance decision that found claimant was overpaid FPUC benefits in the amount of \$3,000.00 for twelve weeks between June 21, 2020 and July 25, 2020. The claimant was properly notified of the hearing. A telephone hearing was held on October 18, 2021. The claimant participated personally. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records. The hearing was consolidated with Appeal No. 21A-UI-17228-DB-T; 21A-UI-17229-DB-T; 21A-UI-17230-DB-T; 21A-UI-17231-DB-T; 21A-UI-17233-DB-T and 21A-UI-17237-DB-T.

ISSUE:

Is the claimant overpaid FPUC benefits from June 21, 2020 through July 25, 2020?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed an original claim for regular unemployment insurance benefits funded by the State of Iowa with an effective date of June 7, 2020. She received Federal Pandemic Unemployment Compensation (FPUC) benefits from June 21, 2020 through July 25, 2020 in the amount of \$3,000.00 (\$600.00 per week).

Iowa Workforce Development issued a decision dated September 16, 2020 (reference 03) which found that the claimant was not eligible for regular unemployment insurance benefits funded by the State of Iowa due to her voluntarily quitting work. That decision was appealed and a hearing was held on October 18, 2021. Administrative Law Judge (ALJ) Dawn Boucher issued a decision that affirmed the underlying decision that the claimant was not eligible for benefits. See Appeal No. 21A-UI-17229-DB-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

Iowa Code § 96.3(7)a provides:

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.

(emphasis added).

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...

PL 116-136 Section 2104 of the CARES Act created a program in which an additional \$600.00 per week was payable to claimants who were eligible for at least \$1.00 per week in benefits stemming from other programs including regular unemployment insurance funded by the State of Iowa, Pandemic Emergency Unemployment Compensation, Pandemic Unemployment Assistance, Iowa Extended benefits, and Trade Act benefits. This initial program ran from March 29, 2020 through July 25, 2020. Claimants were only eligible to receive FPUC payments if they were entitled to receive benefits from another applicable program. The payments of FPUC benefits were automatic so long as a claimant was determined to be eligible under one of the other applicable programs.

In this case, the claimant received FPUC benefits from June 21, 2020 through July 25, 2020 because at that time there was no disqualifying decision that found she was not eligible for the regular unemployment insurance benefits funded by the State of Iowa. The FPUC benefits were paid in conjunction with and based upon her eligibility for regular unemployment insurance benefits funded by the State of Iowa. As soon as the claimant was disqualified from receipt of regular unemployment insurance benefits pursuant to the decision issued on September 16, 2020 (reference 03), which was affirmed in Appeal No. 21A-UI-17229-DB-T, she was no longer eligible for FPUC benefits.

Because the claimant has not been found eligible for PUA benefits or any other qualifying program in which FPUC benefits would be allowed, the claimant has been overpaid FPUC benefits in the amount of \$3,000.00 for twelve weeks between June 21, 2020 and July 25, 2020.

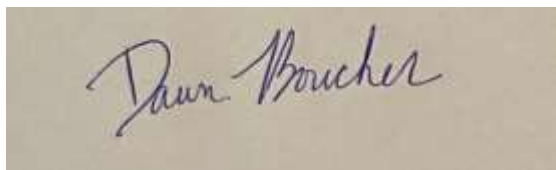
Pursuant to PL 116-136 Section 2104(F)(2) of the CARES Act, the claimant may request a waiver of the overpayment of FPUC benefits. The request for waiver should be sent to:

Iowa Workforce Development
Overpayment Waiver Request
1000 East Grand Avenue
Des Moines, Iowa 50319

The request for waiver of overpayment should include the claimant's name, address, decision number and date of decision, dollar amount of overpayment requested for waiver, and all relevant facts the claimant feels would justify a waiver of the overpayment balance. The claimant may also visit <https://www.iowaworkforcedevelopment.gov/application-overpayment-waiver>.

DECISION:

The August 3, 2021 (reference 07) unemployment insurance decision is affirmed. The claimant was overpaid FPUC benefits in the amount of \$3,000.00 for twelve weeks between June 21, 2020 and July 25, 2020.

A handwritten signature in blue ink that reads "Dawn Boucher". The signature is written in a cursive style and is positioned above a horizontal line.

Dawn Boucher
Administrative Law Judge

October 27, 2021
Decision Dated and Mailed

db/ol