

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MALLORY FARRELL
Claimant

APPEAL 22A-UI-01428-DB-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 03/15/20
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the December 10, 2021 (reference 04) unemployment insurance decision that found claimant was overpaid FPUC benefits in the amount of \$600.00 for one week ending July 11, 2020 in error as a duplicate payment. The claimant was properly notified of the hearing. A telephone hearing was held on February 8, 2022. 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. 22A-UI-01425-DB-T; 22A-UI-01426-DB-T; and 22A-UI-01427-DB-T.

ISSUE:

Is the claimant overpaid FPUC benefits for the week-ending July 11, 2020?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed for Federal PUA benefits and was approved. Her PUA weekly benefit amount was \$203.00. For the week-ending July 11, 2020, the claimant was paid for two weeks of FPUC benefits as a supplement to her PUA benefits instead of one week worth of FPUC benefits. This was due to an error on the part of Iowa Workforce Development. Claimant was paid an additional \$600.00 for the week-ending July 11, 2020 in FPUC benefits.

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

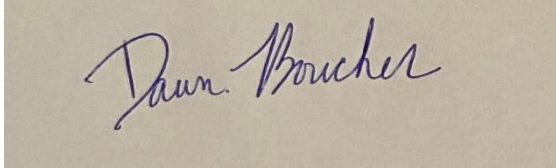
(2) Repayment.--In the case of individuals who have received amounts of Federal Pandemic Unemployment Compensation to which they were not entitled, the State shall require such individuals to repay the amounts of such Federal Pandemic Unemployment Compensation to the State agency...

This overpayment occurred through no fault of the claimant. Regardless of fault, claimant has received FPUC benefits to which she 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 11, 2020. Those benefits must be repaid unless a waiver is requested and granted. The claimant may file a written request to have this overpayment waived. Instructions for requesting a waiver of this overpayment can be found at:

<https://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment-and-recovery>.

DECISION:

The December 10, 2021 (reference 04) unemployment insurance decision is affirmed. The claimant was overpaid FPUC benefits in the amount of \$600.00 for the week-ending July 11, 2020.

A rectangular area containing a handwritten signature in blue ink on a light brown background. The signature reads "Dawn Boucher".

Dawn Boucher
Administrative Law Judge

February 24, 2022
Decision Dated and Mailed

db/db