

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**EMILY S BURK**  
Claimant

**APPEAL 21A-UI-00063-S1-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 05/10/20**  
**Claimant: Appellant (1)**

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Iowa Code § 96.3-7 – Overpayment  
PL 116-136 Section 2104 – Federal Pandemic Unemployment Compensation

**STATEMENT OF THE CASE:**

The claimant appealed a representative's decision dated November 13, 2020, reference 04, that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation as a result of a disqualification decision. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on February 2, 2021. The claimant participated personally.

The administrative law judge took official notice of the administrative file. 20A-UI-00061.S1, 20A-UI-00062.S1, and 20A-UI-00063.S1 were heard at the same time.

**ISSUE:**

The issue is whether the claimant is overpaid Federal Pandemic Unemployment Compensation.

**FINDINGS OF FACT:**

The administrative law judge, having heard the testimony of the witness and having considered all of the evidence in the record, finds that: The claimant filed for unemployment insurance benefits with an effective date of May 10, 2020. Her weekly benefit amount was determined to be \$77.00. The claimant received benefits of \$77.00 per week from May 10, 2020, to the week ending June 20, 2020. This is a total of \$462.00 in state unemployment insurance benefits after the separation from employment. She also received \$3,600.00 in Federal Pandemic Unemployment Compensation for the six-week period ending June 20, 2020.

The representative's decision dated June 29, 2020, reference 01, concluded the claimant was disqualified from receiving unemployment insurance benefits. The overpayment issue in this case was created by a disqualification decision that has now been affirmed.

**REASONING AND CONCLUSIONS OF LAW:**

For the following reasons the administrative law judge concludes the claimant was overpaid Federal Pandemic Unemployment Compensation.

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

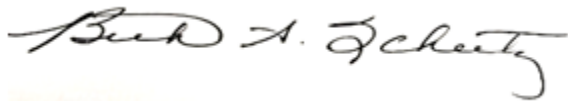
(2) Repayment.--In the case of individuals who have received amounts of Federal Pandemic Unemployment Compensation to which they were not entitled, the State shall require such individuals to repay the amounts of such Federal Pandemic Unemployment Compensation to the State agency...

The claimant was disqualified from receiving regular unemployment insurance (UI) benefits. Accordingly, this also disqualifies claimant from receiving Federal Pandemic Unemployment Compensation (FPUC). The administrative law judge concludes that the claimant was overpaid Federal Pandemic Unemployment Compensation pursuant to Public Law 116-136, Section 2104(F)2 and as the disqualification decision that created the overpayment has now been affirmed.

*Note to Claimant:* This decision determines you are not eligible for regular unemployment insurance benefits. 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. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.

**DECISION:**

The decision of the representative dated November 13, 2020, reference 04, is affirmed. The claimant was overpaid Federal Pandemic Unemployment Compensation.



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Beth A. Scheetz  
Administrative Law Judge

February 16, 2021  
Decision Dated and Mailed

bas/mh