

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BRADLEY J BARTON
Claimant

APPEAL 22A-UI-01482-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/29/20
Claimant: Appellant (1)

PL 116-136, Sec. 2104 – Federal Pandemic Unemployment Compensation
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment

STATEMENT OF THE CASE:

Bradley J Barton, the claimant/appellant, filed an appeal from the December 10, 2021, (reference 02) unemployment insurance (UI) decision that concluded he was overpaid Federal Pandemic Unemployment Compensation (FPUC) benefits in the gross amount of \$600.00 “due to duplicate payments received for the benefit –week period beginning 062820 and ending 070420.” The parties were properly notified about the hearing. A telephone hearing was held on February 8, 2022. Mr. Barton participated and testified. The administrative law judge took official notice of the administrative record. Mr. Barton waived notice on Iowa Code § 96.3(7).

ISSUES:

Has Mr. Barton been overpaid FPUC benefits?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: Mr. Barton filed an initial claim for REGULAR UI benefits effective March 29, 2020. On April 19, 2020, Iowa Workforce Development (IWD) approved Mr. Barton for PUA benefits as of March 8, 2020. His weekly PUA amount was \$203.00.

FPUC was a program under the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 that provided additional payment to those individuals that are receiving state or federal unemployment insurance payments. It is funded by the federal government, not by state unemployment taxes paid by employers. The Continued Assistance for Unemployed Workers Act of 2020 (enacted December 27, 2020) and American Rescue Act of 2021 (enacted March 11, 2021) extended FPUC benefits for weeks of unemployment to September 6, 2021. The FPUC amount was \$600.00 per week from April 5, 2020 through July 31, 2020. The FPUC amount was \$300.00 per week from December 27, 2020 through September 5, 2021. Governor Reynolds ended Iowa’s participation in federal pandemic-related unemployment benefit programs, including the FPUC program, effective June 12, 2021.

On July 8, 2020, IWD sent Mr. Barton a FPUC payment in the gross amount of \$600.00 for the week of June 28, 2020 through July 4, 2020. On July 14, 2020, IWD sent Mr. Barton a FPUC payment in the gross amount of \$1,200.00 for the week of July 5-11, 2020.

Over one year and eight months after he filed his claim, and over one year and five months after IWD sent him the initial FPUC payments, IWD issued the reference 02 decision appealed in this matter. In the reference 02 decision, IWD does not explain to Mr. Barton why it sent him two FPUC payments for the same week.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes Mr. Barton has been overpaid FPUC benefits.

Iowa Code §96.3(7) provides, in pertinent part:

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.

b. (1) (a) If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

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...

IWD attempts to deflect what happened here by stating in the reference 02 decision that Mr. Barton was overpaid because he received duplicate FPUC payments for the week of June 28, 2020 through July 4, 2020. IWD sent Mr. Barton FPUC benefits twice for that week. Mr. Barton received those benefits because IWD sent them to him.

IWD sent Mr. Barton one FPUC payment for the week of June 28, 2020 through July 4, 2020, and a double FPUC payment for the week of July 5-11, 2020. The double FPUC payment includes the weeks of June 28, 2020 through July 4, 2020 and July 5-11, 2020. IWD sent Mr. Barton two FPUC payments for the week of June 28, 2020 through July 4, 2020 through no fault of Mr. Barton. However, Mr. Barton received FPUC benefits to which he was not entitled. The law requires recovery of these benefits. IWD overpaid Mr. Barton FPUC benefits in the gross amount of \$600.00 for the week of June 28, 2020 through July 4, 2020, which should be repaid.

DECISION:

The December 10, 2021, (reference 02) unemployment insurance decision is affirmed. IWD overpaid Mr. Barton FPUC benefits in the gross amount of \$600.00, which must be repaid.



Daniel Zeno
Administrative Law Judge
Iowa Workforce Development
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax 515-478-3528

February 28, 2022
Decision Dated and Mailed

dz/mh

NOTE TO MR. BARTON:

- This decision determines you have been overpaid FPUC 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.
- **You may also request a waiver of this overpayment either 1) online, OR 2) in writing by mail.**
- The **online request form** is available on the Iowa Workforce Development website at: <https://www.iowaworkforcedevelopment.gov/federal-unemployment-insurance-overpayment-recovery>
- The **written request** must include the following information:
 - Your name & address.
 - Decision number/date of decision.
 - Dollar amount of overpayment requested for waiver.
 - Relevant facts that you feel would justify a waiver.
- The request should be sent to:

Iowa Workforce Development
Overpayment waiver request
1000 East Grand Avenue
Des Moines, IA 50319
- If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.