

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ASHLYN REDENIUS
Claimant

APPEAL NO. 20A-UI-16046-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 04/12/20
Claimant: Appellant (1)

Public Law 116-136, Section 2104 – Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

Claimant filed a timely appeal from the November 6, 2020, reference 04 (o.c. 04/12/20), decision that held she was overpaid \$4,800.00 in Federal Pandemic Unemployment Compensation (FPUC) benefits for eight weeks between April 12, 2020 and June 6, 2020, based on a June 11, 2020 decision that held the claimant was not eligible for benefits due to the existence of a Minnesota claim that did not expire until April 25, 2020. After due notice was issued, a hearing was held on January 23, 2021. The claimant participated. The hearing in this matter was consolidated with the hearing in Appeal Number 20A-UI-16045-JTT. Exhibit A (the appeal letter), Exhibit B (the 11/06/20, reference 03, overpayment decision), and Exhibit C (the 11/06/20, reference 04, FPUC overpayment decision) were received into evidence. The administrative law judge took official notice of the following Agency administrative records: NMRO, DBIN (regarding the 04/12/20 original claim), DBRO (regarding the 04/26/20 original claim), KPYX, the June 11, 2020, reference 02 decision (o.c. 04/12/20), the decision in Appeal Number 20A-UI-06223-JTT, and the IWD Overpayments database. The administrative law judge left the hearing record open until Monday, January 25, 2020 for the limited purpose of allowing the claimant to submit bank deposit records for the months of May, June and July 2020. In the event, the claimant submits such records in a timely matter; those records will be received into evidence.

ISSUE:

Whether the claimant was overpaid \$4,800.00 in Federal Pandemic Unemployment Compensation (FPUC) benefits for eight weeks between April 12, 2020 and June 6, 2020, based on a June 11, 2020 decision that held the claimant was not eligible for benefits due to the existence of a Minnesota claim that did not expire until April 25, 2020.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established an Iowa original claim for benefits that was effective April 12, 2020 at a time when she had an existing Minnesota claim that did not expire until April 25, 2020. Before Iowa Workforce Development learned of and took action in response to the Minnesota claim, IWD set the claimant's weekly benefit amount for regular benefits at \$129.00 and commenced

paying regular and Federal Pandemic Unemployment Compensation (FPUC) benefits. In connection with the April 12, 2020 Iowa original claim, IWD paid \$129.00 in regular benefits for the weeks that ended April 18, April 25, and May 2, 2020. IWD then redetermined the claimant's eligibility after adding additional base period wages to the claim. This led to \$481.00 in regular benefits being paid to the claimant for each of the five weeks between May 3, 2020 and June 6, 2020. In total, \$2,792.00 in regular benefits were paid to the claimant for the eight weeks between April 12, 2020 and June 6, 2020 in connection with the original claim that was effective April 12, 2020. IWD also paid the claimant \$4,800.00 in Federal Pandemic Unemployment Compensation (FPUC) for that same eight weeks before IWD cancelled the April 12, 2020 original claim.

On June 11, 2020, the IWD Benefits Bureau issued a reference 02 (o.c. 04/12/20) decision that cancelled the April 12, 2020 original claim, due to the determination that the claimant had an existing Minnesota claim that did not expire until April 25, 2020. The claimant filed a timely appeal from the June 11, 2020, reference 02 (o.c. 04/12/20) decision. The undersigned administrative law judge subsequently entered a decision in Appeal Number 20A-UI-06223-JTT that affirmed the cancellation of the April 12, 2020 claim. The administrative law judge included in the decision a statement that the decision impacted only the claimant's eligibility for benefits for the two-week period of April 25, 2020. The claimant did not appeal the decision in Appeal Number 20A-UI-06223-JTT and that decision became a final agency decision.

In conjunction with cancelling the April 12, 2020 original claim, IWD acknowledged and/or set up a new Iowa original claim for benefit deemed effective April 26, 2020 and commenced paying regular and FPUC benefits in connection with the April 26, 2020 original claim. IWD paid the claimant \$1,290.00 in regular benefits for the 10 weeks between April 26, 2020 and July 4, 2020, at a rate of \$129.00 per week. This included \$774.00 in regular benefits for the six weeks between April 26, 2020 and June 6, 2020, the same period for which IWD had paid regular benefits in connection with the April 12, 2020 original claim.

In conjunction with the April 26, 2020 original claim, IWD paid the claimant \$4,800.00 in FPUC benefits for the eight weeks between April 26, 2020 and June 20, 2020. This included \$3,600.00 in FPUC benefits for the six weeks between April 26, 2020 and June 6, 2020, a period for which IWD had already paid FPUC benefits to the claimant in connection with the April 12, 2020 original claim.

REASONING AND CONCLUSIONS OF LAW:

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...

The evidence in the record establishes that the claimant was indeed overpaid \$4,800.00 in FPUC benefits for the eight-week period of April 12, 2020 through June 6, 2020 in connection with the cancelled April 12, 2020 original claim. The claimant must repay the overpaid benefits.

DECISION:

The November 6, 2020, reference 04, decision is affirmed. The claimant was overpaid \$4,800.00 in FPUC benefits for the eight-week period of April 12, 2020 through June 6, 2020 in connection with the cancelled April 12, 2020 original claim. The claimant must repay the overpaid FPUC benefits.



James E. Timberland
Administrative Law Judge

February 9, 2021
Decision Dated and Mailed

jet/kmj