

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

68-0157 (9-06) - 3091078 - EI

**MARGARET M KITZROW**  
Claimant

**APPEAL NO: 21A-UI-15934-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

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

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment  
PL 116-136 Sec. 2107– Federal Pandemic Emergency Unemployment Compensation (PEUC)

**STATEMENT OF THE CASE:**

Claimant, Margaret M. Kitzrow, filed a claim for unemployment insurance benefits with an effective date of March 15, 2020. Claimant passed away on February 6, 2021. The claimant's representative filed an appeal from the July 7, 2021, (reference 03) unemployment insurance decision that concluded she was overpaid \$980.00 in Federal Pandemic Emergency Unemployment Compensation (PEUC) benefits. After proper notice, a telephone hearing was conducted on September 10, 2021. The hearing was held together with Appeals 21A-UI-15938-JC-T and 21A-UI-15933-JC-T. Craig Schrader, executor representative, appeared on behalf of claimant's estate. Claudia Miranda also testified. Official notice was taken of the administrative records. Department Exhibit D-1 was admitted.

**ISSUE:**

Is the claimant overpaid Federal Pandemic Emergency Unemployment Compensation?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant, Margaret M. Kitzrow, filed a claim for unemployment insurance benefits with an effective date of March 15, 2020.

The claimant filed for and received a total of \$980.00 in Federal Pandemic Emergency Unemployment Compensation (PEUC) benefits for the four week period ending August 8, 2020.

A reference 01 initial decision denying benefits was appealed by the claimant. A hearing was conducted on October 27, 2020 with the claimant and her employer, Noah's Ark. The administrative law judge affirmed the denial of benefits in Appeal 20A-UI-10937-AW-T. The hearing decision was not appealed and is final at this time.

## REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was overpaid PEUC benefits.

Iowa Code section 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.

PL 116-136 Sec 2107 provides in pertinent part:

### PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION.

#### (2) PROVISIONS OF AGREEMENT. —

Any agreement under paragraph (1) shall provide that the State agency of the State will make payments of pandemic emergency unemployment compensation to individuals who—

(A) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before July 1, 2019);

(B) have no rights to regular compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law;

(C) are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

(D) are able to work, available to work, and actively seeking work.

...

#### (e) 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 terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof (including terms and conditions relating to availability for work, active search for work, and refusal to accept work) shall apply to claims for pandemic emergency unemployment compensation and the payment thereof, except where otherwise inconsistent

with the provisions of this section or with the regulations or operating instructions of the Secretary promulgated to carry out this section... See PL 116-136 Sec 2107 (4)(B).

Here, the claimant is disqualified from receiving regular unemployment insurance (UI) benefits. See 20A-UI-10937-AW-T. Since the decision disqualifying the claimant has been affirmed, this also disqualifies claimant from receiving Federal Pandemic Emergency Unemployment Compensation (PEUC). The claimant was overpaid \$980.00 in Federal Pandemic Emergency Unemployment Compensation (PEUC).

This decision determines Ms. Kitzrow was overpaid PEUC under the CARES Act. An appeal to the Employment Appeal Board may be filed by following the instructions on the first page of this decision.

Additionally, instructions for requesting a waiver of this overpayment can be found at <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment-and-recovery>.

**DECISION:**

The unemployment insurance decision dated July 7, 2021, (reference 03), is AFFIRMED. The claimant was overpaid \$980.00 in Federal Pandemic Emergency Unemployment Compensation (PEUC).



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

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September 15, 2021  
Decision Dated and Mailed

jlb/kmj