

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ELLEN M HAGEN
Claimant

APPEAL 21A-UI-09266-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

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

Public Law, Sec. 2104 – Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

On March 22, 2021, the claimant Ellen M. Hagen appealed the March 10, 2021, (reference 06) decision that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation (“FPUC”) benefits in the amount of \$6,600.00 for the eleven-week period ending July 25, 2020. A telephone hearing was held at 1:00 p.m. on Thursday, June 17, 2021, pursuant to due notice, and was consolidated with the hearing for appeal 21A-UI-09265-LJ-T, 21A-UI-09267-LJ-T, and 09268-LJ-T. The claimant, Ellen M. Hagen, participated. No exhibits were offered or admitted. The administrative law judge took official notice of the administrative record.

ISSUE:

Whether claimant is overpaid FPUC benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed for and has received FPUC benefits in the gross amount of \$6,600.00 for the eleven-week period ending July 25, 2020. The overpayment issue in this case was created by an eligibility decision that was reversed by Administrative Law Judge Williamson. See 20A-UI-13353-AW-T. The Employment Appeal Board subsequently affirmed that decision. See 20B-UI-13353.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes:

PL 116-136, 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, except that the State agency may waive such repayment if it determines that—

(A) the payment of such Federal Pandemic Unemployment Compensation was without fault on the part of any such individual; and

(B) such repayment would be contrary to equity and good conscience.

The decision that allowed claimant regular unemployment insurance benefits has been reversed. Because claimant is not eligible for UI benefits, claimant is also not eligible for FPUC benefits. Therefore, claimant has received FPUC benefits to which they were not entitled. The administrative law judge concludes that claimant has been overpaid FPUC benefits in the amount outlined in the findings of fact above. Those benefits must be recovered in accordance with Iowa law.

DECISION:

The March 10, 2021 (reference 05) decision is affirmed. Claimant has been overpaid FPUC benefits in the amount of \$6,600.00, which must be repaid.



Elizabeth A. Johnson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

June 30, 2021
Decision Dated and Mailed

lj/mh

NOTE TO CLAIMANT:

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. The written request must include the following information:

1. Claimant name & address.
2. Decision number/date of decision.
3. Dollar amount of overpayment requested for waiver.
4. Relevant facts that you feel would justify a waiver.

The request should be sent to:

Iowa	Workforce	Development
Overpayment	waiver	request
1000	East	Grand
Des Moines, IA 50319		Avenue

This Information can also be found on the Iowa Workforce Development website at: <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment-and-recovery>. If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.