

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

KAIN J KRIZEK
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL NO. 20A-UI-15032-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/15/20
Claimant: Appellant (2)

PL116-136, Sec. 2104(f)(2) – Overpayment of Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

Kain Krizek (claimant/appellant) appealed the November 3, 2020 (reference 06) decision that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation in the amount of \$5,400.00 for the nine-week period ending May 30, 2020, as a result of a disqualification decision.

A telephone hearing was held on January 20, 2021, pursuant to due notice. Claimant participated personally and was represented by Attorney Michael Dunbar. Claimant's mother Tabitha Gehrke, participated as a witness.

Claimant's Exhibit 1 was admitted. Official notice was taken of the administrative record.

ISSUE:

Was the claimant overpaid Federal Pandemic Unemployment Compensation (FPUC)?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

The overpayment in this case was the result of a disqualification decision that has now been reversed. See 20A-UI-15030-AD-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the November 3, 2020 (reference 06) decision that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation in the amount of \$5,400.00 for the nine-week period ending May 30, 2020, as a result of a disqualification decision is REVERSED.

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, except that the State agency may waive such repayment if it determines that –

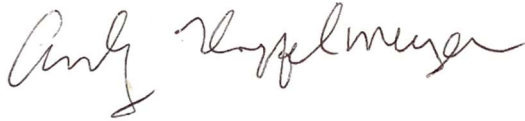
(A) the payment of such Federal Pandemic Unemployment Compensation was without fault on the part of any such individual; and

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

The overpayment in this case was the result of a disqualification decision that has now been reversed. See 20A-UI-15030-AD-T. Since that decision has been reversed, claimant has not been overpaid FPUC.

DECISION:

The November 3, 2020 (reference 06) decision that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation in the amount of \$5,400.00 for the nine-week period ending May 30, 2020, as a result of a disqualification decision is REVERSED.



Andrew B. Duffelmeyer
Administrative Law Judge
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February 5, 2021
Decision Dated and Mailed

abd/kmj