

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**BRANDEN G SCHRADER**  
Claimant

**APPEAL 21A-UI-23666-DB-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 07/12/20**  
**Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the October 18, 2021 (reference 02) unemployment insurance decision that found claimant was overpaid Federal PEUC benefits in the amount of \$3,736.00 for eight weeks ending January 23, 2021. The claimant was properly notified of the hearing. A telephone hearing was held on December 16, 2021. The claimant participated personally. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records. The hearing was consolidated with Appeal No. 21A-UI-23665-DB-T and 21A-UI-23668-DB-T.

**ISSUE:**

Is the claimant overpaid PEUC benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed an original claim for regular unemployment insurance benefits funded by the State of Iowa with an effective date of July 12, 2020. He was paid Federal PEUC benefits for eight weeks ending January 23, 2021, after he had reached his maximum benefit amount for regular unemployment insurance benefits funded by the State of Iowa. The total PEUC benefits paid was \$3,736.00.

Iowa Workforce Development issued a decision dated July 21, 2021 (reference 01) which found that the claimant was not eligible for PEUC benefits effective November 29, 2020 as he was monetarily eligible for regular benefits in the State of Nebraska. That decision was affirmed in Appeal No. 21A-UI-23665-DB-T.

**REASONING AND CONCLUSIONS OF LAW:**

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

Iowa Code § 96.3(7)a provides:

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.

Section 2107 of the CARES Act, PL 116-136, created a new temporary federal program called Pandemic Emergency Unemployment Compensation (PEUC) that initially provided up to 13 additional weeks of benefits to individuals who have exhausted their regular unemployment compensation entitlement.

PL 116-136 Sec 2107 provides in pertinent part:

PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) FEDERAL-STATE AGREEMENTS. —

(1) IN GENERAL. — Any State which desires to do so may enter into and participate in an agreement under this section with the Secretary of Labor (in this section referred to as the “Secretary”). Any State which is a party to an agreement under this section may, upon providing 30 days’ written notice to the Secretary, terminate such agreement.

(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.

In this case, the claimant received PEUC benefits after exhausting his regular unemployment insurance benefits funded by the State of Iowa. However, claimant was found to be ineligible for PEUC benefits in the decision dated July 21, 2021 (reference 01) which was affirmed in Appeal No. 21A-UI-23665-DB-T. As such, the claimant has been overpaid PEUC benefits in the amount of \$3,736.00 for eight weeks ending January 23, 2021 as he was previously found to be ineligible for PEUC benefits.

Pursuant to PL 116-136 Section 2107(E)(2) of the CARES Act, the claimant may request a waiver of the overpayment of PEUC benefits. The request for waiver should be sent to:

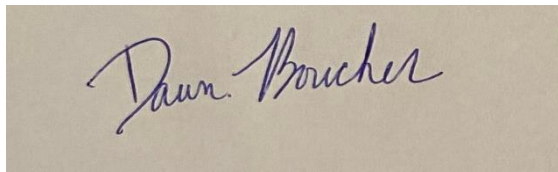
Iowa Workforce Development  
Overpayment Waiver Request

1000 East Grand Avenue  
Des Moines, Iowa 50319

The request for waiver of overpayment should include the claimant's name, address, decision number and date of decision, dollar amount of overpayment requested for waiver, and all relevant facts the claimant feels would justify a waiver of the overpayment balance. The claimant may also visit <https://www.iowaworkforcedevelopment.gov/application-overpayment-waiver>.

**DECISION:**

The October 18, 2021 (reference 02) unemployment insurance decision is affirmed. The claimant was overpaid PEUC benefits of \$3,736.00 for eight weeks ending January 23, 2021.

A handwritten signature in blue ink on a light brown background. The signature reads "Dawn Boucher" in a cursive script.

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Dawn Boucher  
Administrative Law Judge

December 29, 2021  
Decision Dated and Mailed

db/db