

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

RAYMOND FRITZ
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL NO. 22A-UI-09742-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/22/20
Claimant: Appellant (4)

PL 116-136, Sec. 2107 - Pandemic Emergency Unemployment Compensation

STATEMENT OF THE CASE:

On April 14, 2022, Raymond Fritz (claimant/appellant) appealed the Iowa Workforce Development ("IWD") decision dated April 5, 2022 (reference 03) that concluded the claimant was overpaid Pandemic Emergency Unemployment Compensation in the amount of \$743.00 for eight weeks between July 26 and October 3, 2020 due to incorrectly reporting wages earned.

A telephone hearing was held on June 3, 2022, pursuant to due notice. Appeal No. 22A-UI-09738, 22A-UI-09741, 22A-UI-09742, and 22A-UI-09744 are related and were heard together, forming a single hearing record. Claimant participated personally. Employer Crash N Bash Hobbies LLC was noticed on Appeal No. 22A-UI-09738 and participated as well.

Department's Exhibit 1 was admitted. No other exhibits were offered or admitted. The administrative law judge took official notice of the administrative record.

ISSUES:

- I. Was the claimant overpaid Pandemic Emergency Unemployment Compensation (PEUC)?

FINDINGS OF FACT:

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

Claimant filed an original claim for UI with an effective date of March 22, 2020. Weekly claims were filed through the benefit week ending October 17, 2020 and again in the benefit weeks ending January 30 and February 6, 2021.

IWD later performed a cross-check of wages reported by claimant and wages actually earned for the third quarter of 2020. There were substantial discrepancies between the wages reported by claimant and the wages reported by employer. The administrative law judge finds the wages reported by employer were correct. The table below represents the wages reported, the wages actually earned, and the resulting PEUC overpayments or underpayments in each week listed:

Week Ending	Wages Reported	Wages Actually Earned	PEUC Paid	PEUC Entitled To	Overpayment (Underpayment)
8/1/20	118	174	155	99	56
8/8/20	118	331	155	0	155
8/15/20	0	156	219	117	102
8/22/20	100	0	173	219	(46)
8/29/20	149	356	124	0	124
9/5/20	330	192	0	81	(81)
9/12/20	142	354	131	0	131
9/19/20	178	258	95	0	95
9/26/20	139	173	134	100	34
10/3/20	132	178	141	95	46

Claimant's weekly benefit amount was \$219.00. The weekly benefit amount plus \$15.00 is \$234.00. Claimant received PEUC in the total amount of \$743.00 to which he was not entitled due to incorrectly reporting wages earned. Claimant was also underpaid PEUC in the amount of \$127.00 due to incorrectly reporting wages earned. The net result is a PEUC overpayment of \$616.00.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the decision dated April 5, 2022 (reference 03) that concluded the claimant was overpaid Pandemic Emergency Unemployment Compensation in the amount of \$743.00 for eight weeks between July 26 and October 3, 2020 due to incorrectly reporting wages earned is MODIFIED in favor of appellant.

PL 116-136, Sec. 2107 provides, in pertinent part:

(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.

...

(e) FRAUD AND OVERPAYMENTS.—

(2) REPAYMENT.—In the case of individuals who have received amounts of pandemic emergency unemployment compensation under this section to which they were not entitled, the State shall require such individuals to repay the amounts of such pandemic emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(A) the payment of such pandemic emergency unemployment compensation was without fault on the part of any such individual; and

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

(3) RECOVERY BY STATE AGENCY.—

(A) IN GENERAL.—The State agency shall recover the amount to be repaid, or any part thereof, by deductions from any pandemic emergency unemployment compensation payable to such individual under this section or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the pandemic emergency unemployment compensation to which they were not entitled, in accordance with the same procedures as apply to the recovery of overpayments of regular unemployment benefits paid by the State.

Iowa Admin. Code rule 871-24.18 provides:

Wage-earnings limitation. An individual who is partially unemployed may earn weekly a sum equal to the individual's weekly benefit amount plus \$15 before being disqualified for excessive earnings. If such individual earns less than the individual's weekly benefit amount plus \$15, the formula for wage deduction shall be a sum equal to the individual's weekly benefit amount less that part of wages, payable to the individual with respect to that week and rounded to the lower multiple of one dollar, in excess of one-fourth of the individual's weekly benefit amount.

This rule is intended to implement Iowa Code sections 96.3, 96.4 and 96.19(38).

Claimant was eligible for PEUC as set forth in the table above. Claimant received PEUC in the amount of \$743.00 to which he was not entitled due to incorrectly reporting wages earned. However, claimant was also underpaid PEUC in the amount of \$127.00 due to incorrectly reporting wages earned. The net result is a PEUC overpayment of \$616.00.

DECISION:

The decision dated April 5, 2022 (reference 03) that concluded the claimant was overpaid Pandemic Emergency Unemployment Compensation in the amount of \$743.00 for eight weeks between July 26 and October 3, 2020 due to incorrectly reporting wages earned is MODIFIED in favor of appellant. The net PEUC overpayment is \$616.00.



Andrew B. Duffelmeyer
Administrative Law Judge

June 28, 2022
Decision Dated and Mailed

abd/abd

Note to Claimant:

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.

If this decision determines you have been overpaid federal pandemic-related benefits you may request a waiver of the overpayment. Instructions for requesting a waiver can be found 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.

Individuals who do not qualify for regular unemployment insurance benefits and were unemployed between February 2, 2020, and June 12, 2021 for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** To apply for PUA go to <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-appeals> and click the link in the last paragraph under "WHAT TO EXPECT FROM THE HEARING." **The authorization number is the PIN you used for the hearing.**

If this decision becomes final and you are not eligible for PUA, you may have an overpayment of benefits.