

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

**JONGIM CHANG**  
Claimant

**APPEAL NO: 21A-UI-13050-SN-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 03/29/20**  
**Claimant: Appellant (4)**

PL116-136, Sec. 2104 – Federal Pandemic Unemployment Compensation (FPUC)

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the May 18, 2021, (reference 03) unemployment insurance decision that concluded she was overpaid \$7,800.00 in Federal Pandemic Unemployment Compensation. After proper notice, a telephone hearing was conducted on July 24, 2021. The claimant participated. Official notice of the administrative records was taken.

**ISSUES:**

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

**FINDINGS OF FACT:**

The claimant filed a new claim for unemployment insurance benefits with an effective date of March 29, 2020.

The claimant received federal unemployment insurance benefits through Federal Pandemic Unemployment Compensation (FPUC). The claimant received \$7,800.00 in federal benefits for the period of April 17, 2020 and June 27, 2020.

The July 8, 2020, reference 01, unemployment insurance decision disqualified the claimant from receiving unemployment insurance benefits effective March 29, 2020. This decision has been affirmed in a decision of the administrative law judge in appeal 21A-UI-02430-JC-T. The claimant appealed this decision to the Employment Appeal Board (EAB) requesting the case be remanded back to the administrative law judge for a rehearing. The EAB issued a decision on May 14, 2021, 21B-UI-02430, rejecting her request for a rehearing. The decision said it would become final if a petition to district court was not filed within 30 days.

The May 18, 2021, reference 03, unemployment insurance decision found the claimant had been overpaid for all of the FPUC benefits she received because the disqualification from the July 1, 2020, reference 01, did not state final date in which she became eligible again. In this context, it stated that she was overpaid \$7,800.00 in FPUC benefits.

The July 12, 2021, reference 04, unemployment insurance decision found the claimant eligible for benefits effective May 3, 2020. Since the claimant was found eligible after that date, it removed the \$4,800.00 the claimant received for weeks ending May 9, 2020 through the week ending June 27, 2020 from the total she was overpaid.

The claimant claims she did not receive a hearing notice regarding the appeal to reference 01 which resulted in 21A-UI-02430-JC-T. The claimant is appealing this decision in district court in *Jongim Chang v. Iowa Employment Appeal Board*, Case No. CVCV062142 on July 9, 2021. She acknowledges she was paid FPUC benefits for each entry listed above and in the administrative record KPYX.

## **REASONING AND CONCLUSIONS OF LAW:**

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

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...

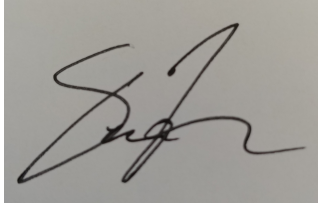
Here, the claimant is disqualified from receiving regular unemployment insurance (UI) benefits. Accordingly, this also disqualifies claimant from receiving Federal Pandemic Unemployment Compensation (FPUC). However, reference 04, sets the outer bounds for ineligibility at May 9, 2020. In that context, the claimant is only overpaid \$3,000.00 in Federal Pandemic Unemployment Compensation (FPUC).

The claimant asks the administrative law judge to reverse due to her argument regarding reference 01 because she did not receive a hearing notice for 21A-UI-02430-JC-T. The

administrative law judge observes that the EAB has made a final decision regarding reference 01. The administrative law judge has no ability to change the EAB's decisions.

**DECISION:**

The May 18, 2021, reference 03, is modified in favor of the appellant. The claimant was overpaid \$3,000.00 in Federal Pandemic Unemployment Compensation (FPUC).



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Sean M. Nelson  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515) 725-9067

July 30, 2021  
Decision Dated and Mailed

smn/kmj

*Note to Claimant:* This decision determines you have been overpaid FPUC under the CARES Act. 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. Additionally, instructions for requesting a waiver of this overpayment 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.