

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MORGAN KAPPEL
Claimant

APPEAL 22A-UI-08194-AR-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 03/15/20
Claimant: Appellant (1)

PL 116-136, Sec. 2107 – Federal Pandemic Emergency Unemployment Compensation
Iowa Code § 95.5(5) – Benefit Deductions
Iowa Code § 96.19(38) – Total and Partial Unemployment
Iowa Code § 96.1A(37) – Total and Partial Unemployment

STATEMENT OF THE CASE:

The claimant filed an appeal from the March 15, 2022, (reference 02) unemployment insurance decision that determined claimant was overpaid Pandemic Emergency Unemployment Compensation (PEUC) benefits in the amount of \$330.00 for the two-week period ending August 22, 2020, due to unreported or underreported wages from Winterset Community School District. After due notice was issued, a telephone hearing was held on May 18, 2022, and was consolidated with the hearing for appeal number 22A-UI-08197-AR-T. The claimant, Morgan Kappel, participated personally. The employer, Winterset Community School District, received notice as an interested party, but did not participate. Claimant's Exhibit A was admitted. The administrative law judge took official notice of the administrative record.

ISSUE:

Was the claimant overpaid PEUC benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed a claim for unemployment insurance benefits with an effective date of March 15, 2020. In August 2020, claimant became employed with Winterset Community School District.

Iowa Workforce Development (IWD) made an inquiry into wages earned by claimant. The employer reported that claimant worked and earned wages in excess of her weekly benefit amount, plus \$15, during the two-week period ending August 22, 2020. Claimant confirmed she began working full-time hours the week of August 9, 2020. She did not receive her first paycheck from the employer until September 15, 2020, which is why she continued filing for unemployment insurance benefits.

Claimant filed for and received PEUC benefits in the two weeks ending August 22, 2020, in the gross amount of \$330.00.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes that the claimant has been overpaid PEUC benefits.

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

PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION.

(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.

Iowa Code section 95.5(5) provides, in relevant part:

b. Provided, that if the remuneration is less than the benefits which would otherwise be due under this chapter, the individual is entitled to receive for the week, if otherwise eligible, benefits reduced by the amount of remuneration.

The administrative law judge concludes claimant has been overpaid PEUC benefits in the amount of \$330.00 for the two-week period ending August 22, 2020. Claimant did not report wages in the week they were earned, as is required.

DECISION:

The March 15, 2022 (reference 02) decision is affirmed. Claimant has been overpaid PEUC benefits in the amount of \$330.00, which must be repaid.



Alexis D. Rowe
Administrative Law Judge

June 30, 2022
Decision Dated and Mailed

ar/mh

NOTE TO CLAIMANT:

- This decision determines you have been overpaid PEUC 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 Avenue
Des Moines, IA 50319

- 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.