

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

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

KRISTINE A DRINOVSKY
Claimant

APPEAL NO: 20A-UI-03671-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

IOWA WORKFORCE DEVELOPMENT
Employer

OC: 03/22/20
Claimant: Appellant (1)

871 IAC 24.2(4)D(1) – Existing Unemployment Claim in Another State
Section 96.3-7 – Recovery of Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the April 29, 2020, reference 01, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on May 20, 2020. The claimant participated in the hearing.

ISSUE:

The issue is whether the claimant has an existing unemployment insurance claim in another state.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant separated from Tilton Fitness in New Jersey in May 2018. She drew benefits in New Jersey for three weeks and then accepted a position with the YMCA in California and worked from July 2018 to May 2019 at which time she moved to Iowa. She started a job with Planet Fitness July 23, 2019, and worked there until March 17, 2020, because she was planning to move back to New Jersey with her fiancé.

Despite being denied benefits at the initial fact-finding, the decision was made by Iowa Workforce Development to release funds of the claimants while their appeals were pending due to the backlog in appeals caused by the recent COVID 19 outbreak. The claimant was one of the individuals whose funds were released pending appeal. The administrative record shows the claimant filed for and received a total of \$1,443.00 in unemployment insurance benefits for the three weeks ending April 25, 2020. The claimant has also been paid \$1,800.00 in Federal Pandemic Unemployment Compensation for the three weeks ending April 28, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant has an existing unemployment insurance benefits claim in New Jersey.

Iowa Admin. Code r. 871 24.2(4)d provides:

Cancellation of unemployment insurance claim.

d. Other valid reasons for cancellation whether or not ten-day protest period has expired.

(1) The individual has an unexpired unemployment insurance claim in another state and is eligible for a remaining balance of benefits.

The claimant has a claim for benefits in New Jersey. Therefore, she must pursue her claim in that state.

Because benefits are denied, the issues of overpayment of benefits and overpayment of Federal Pandemic Compensation benefits must be addressed.

Iowa Code section 96.3(7) provides, in pertinent part:

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.

The administrative law judge concludes that the claimant has been overpaid unemployment insurance benefits in the amount of \$1,443.00 for the three weeks ending April 21, 2020, pursuant to Iowa Code section 96.3(7) as the disqualification decision that created the overpayment decision is affirmed.

The final issue is whether the claimant is overpaid Federal Pandemic Unemployment Compensation. The administrative law judge finds that she is overpaid those 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 \$600.00 (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 benefits. Accordingly, this also disqualifies the claimant from receiving Federal Pandemic Unemployment Compensation. In addition to the regular unemployment insurance benefits the claimant received, she also received an additional \$1,800.00 in Federal Pandemic Unemployment Compensation benefits for the three weeks ending April 28, 2020. The claimant is required to repay those benefits as well.

DECISION:

The April 29, 2020, reference 01, decision is affirmed. The claimant has an existing unemployment insurance claim in New Jersey. Benefits are denied. The claimant has received benefits but was not eligible for those benefits. Therefore, the claimant is overpaid benefits in the amount of \$1,443.00 for the three weeks ending April 25, 2020. The claimant is overpaid Federal Pandemic Unemployment Compensation of \$1,800.00 for the three weeks ending April 28, 2020.



Julie Elder
Administrative Law Judge

June 18, 2020
Decision Dated and Mailed

je/sam