

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JESSICA MEDINA
Claimant

APPEAL NO. 22R-UI-01587-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

IOWA WORKFORCE DEVELOPMENT

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

Public Law 116-136, §2104 – Federal Pandemic Unemployment Compensation Overpayment

STATEMENT OF THE CASE:

This matter was before the administrative law judge pursuant to the Employment Appeal Boards remand for a hearing. The claimant, Jessica Medina, filed a timely appeal from the July 19, 2021, reference 03, decision that held the claimant was overpaid \$3,600.00 in Federal Pandemic Unemployment Compensation (FPUC) for six weeks ending May 9, 2020, due to the reference 01 decision that denied benefits in connection with a determination that the claimant was not available for work. After due notice was issued, a hearing was held on February 8, 2022. Claimant participated in the hearing. Exhibits A, B and C were received into evidence. Exhibit A was the claimant's July 21, 2021 appeal from the reference 03 decision. Exhibit B was the claimant's November 30, 2021 appeal to the Employment Appeal Board in Hearing Number 21B-UI-16132. Exhibit C was a September 20, 2021 timely appeal from the September 15, 2021 Assessment for PUA Assessment, which appeal document was erroneously forwarded the Employment Appeal Board in connection with the claimant's appeal from administrative law judge decision in Appeal Number 21A-16132-LJ-T and that was included in the EAB remand packet. The administrative law judge took official notice of the following Agency administrative records: KPY1, KPYX, NMRO, the reference 01, 02 and 03 decisions, the administrative law judge decisions in Appeal Numbers 21A-UI-10591-DG-T and 21A-UI-10593-DG-T, the Employment Appeal Board decisions in Hearing Numbers 21B-UI-10591 and 21B-UI-10593, the September 15, 2021 Assessment for PUA Benefits, the Claim Detail associated with the Assessment for PUA Benefits.

ISSUE:

Whether the claimant was overpaid \$3,600.00 in Federal Pandemic Unemployment Compensation (FPUC) for six weeks ending May 9, 2020, due to the reference 01 decision that denied benefits in connection with a determination that the claimant was not available for work.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant, Jessica Medina, established an original claim for benefits that was effective March 22, 2020. The claimant received regular benefits for each of the six weeks between March 29, 2020 and May 9, 2020. The claimant also received \$600.00 in weekly Federal Pandemic

Unemployment Compensation (FPUC) for each of the six weeks between March 29, 2020 and May 9, 2020. The FPUC benefits paid to the claimant totaled \$3,600.00.

On August 18, 2020, an Iowa Workforce Development Benefits Bureau deputy entered a reference 01 decision that denied benefits effective March 22, 2020, based on the deputy's conclusion that the claimant was unavailable for work due to a lack of childcare. The claimant filed a late appeal from the reference 01 decision that an administrative law judge treated as a timely appeal. See Appeal Number 21A-UI-10591-DG-T.

On April 9, 2021, an Iowa Workforce Development Benefits Bureau deputy entered a reference 02 decision that held the claimant was overpaid \$2,166.00 in regular state benefits for six weeks between March 29, 2020 and May 9, 2020, due to the decision that denied benefits in connection with the determination that the claimant was not available for work. The claimant filed a timely appeal from the reference 01 decision. See Appeal Number 21A-UI-10593-DG-T.

On July 15, 2021, an administrative law judge entered decisions in Appeal Numbers 21A-UI-10591-DG-T and 21A-UI-10593-DG-T that affirmed the denial of benefits effective March 22, 2020, the determination that the claimant was not available for work during that period, and the determination that the claimant was overpaid \$2,166.00 in regular state benefits for six weeks between March 29, 2020 and May 9, 2020. The claimant filed a late appeal from the administrative law judge's decisions. See Hearing Numbers 21B-UI-10591 and 21B-UI-10593. On October 7, 2021, the Employment Appeal Board entered decisions in Hearing Numbers 21B-UI-10591 and 21B-UI-10593 that found the claimant's appeal untimely and that held the administrative law judge's decisions were final. The claimant did not file a petition for judicial review to challenge the Employment Appeal Board's decisions. The administrative law judge decisions in Appeal Numbers 21A-UI-10591-DG-T and 21A-UI-10593-DG-T remain in effect.

On September 15, 2021, an Iowa Workforce Development Benefits Bureau deputy entered an Assessment for PUA Benefits decision that denied PUA benefits. The claimant's September 20, 2021 appeal from the PUA decision has not yet been heard by the Appeals Bureau.

REASONING AND CONCLUSIONS OF LAW:

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, except that the State agency may waive such repayment if it determines that—

(A) the payment of such Federal Pandemic 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 Federal Pandemic Unemployment Compensation payable to such individual 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 Federal Pandemic 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.

(B) Opportunity for hearing.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(4) Review.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

The claimant was overpaid \$3,600.00 in FPUC benefits for six weeks between March 29, 2020 and May 9, 2020. The August 18, 2020, reference 01, decision denied benefits effective March 22, 2020. The reference 01 decision was affirmed on appeal. The April 9, 2021, reference 02, decision held the claimant was overpaid regular state benefits for six weeks between March 29, 2020 and May 9, 2020. The reference 02 decision was affirmed on appeal. Because the denial of benefits for the period beginning March 22, 2020 through May 9, 2020 remains in effect, the \$3,600.00 in FPUC benefits the claimant received for six weeks between March 29, 2020 and May 9, 2020 is an overpayment of benefits. The claimant must repay the overpaid FPUC benefits unless the claimant applies for and is approved for waiver of repayment of FPUC benefits. See below.

DECISION:

The July 19, 2021, reference 03, decision is affirmed. The claimant was overpaid \$3,600.00 in FPUC for six weeks between March 29, 2020 and May 9, 2020, due to the reference 01 decision and the administrative law judge decision that denied benefits for that period in connection with a determination that the claimant was not available for work. The claimant must repay the overpaid FPUC benefits unless the claimant applies for and is approved for waiver of repayment of FPUC benefits. See below.

Note: the administrative law judge has asked the Appeals Bureau intake staff to set up an appeal file and schedule a hearing to address the claimant's September 20, 2021 timely appeal from the September 15, 2021 Assessment for PUA benefits.



James E. Timberland
Administrative Law Judge

Decision Dated and Mailed

jet/

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>. If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.