

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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

DAWN WHITMORE
Claimant

APPEAL NO: 22A-UI-01148-SN-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

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

PL116-136, Sec. 2102 – Pandemic Unemployment Assistance (PUA)
Iowa Code section § 96.3(7) – Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant filed an appeal from the December 7, 2021, (reference 01) unemployment insurance decision that concluded she was overpaid \$203.00 in Pandemic Unemployment Assistance (PUA) benefits. After proper notice, a telephone hearing was conducted on February 3, 2022. The hearing was held jointly with appeal 22A-UI-01149-SN-T. The claimant participated. Official notice of the administrative records was taken. Exhibits A and B were received into the record.

ISSUE:

Was the claimant overpaid Pandemic Unemployment Assistance (PUA)?

FINDINGS OF FACT:

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

The administrative record shows claimant received PUA in the amount of \$203.00 per week for from the benefit week ending July 11, 2020 and continuing through the benefit week ending June 12, 2021.

Claimant received PUA payments twice in the benefit week ending July 11, 2020.

Based on the above, through no fault of her own, claimant has received PUA benefits in the gross amount of \$406.00 for the one-week period ending July 11, 2020. Claimant was inadvertently double-paid for that week. Claimant was only entitled to receive \$203.00 for the one-week period ending July 11, 2020. The claimant provided transaction history from the debit card she received benefits on which confirms this duplicate payment was received.

The claimant provided a spreadsheet indicating certain payments were not received. In particular, the claimant contends she did not receive payment for the benefit weeks ending: April 26, 2020, September 13, 2020, September 20, 2020, September 27, 2020, October 4, 2020, October 11, 2020, October 18, 2020, October 25, 2020, November 1, 2020, November 8,

2020, November 15, 2020, November 22, 2020, November 29, 2020, December 6, 2020, December 13, 2020, December 20, 2020, and December 27, 2020. (Exhibit B)

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the December 7, 2021, (reference 01) unemployment insurance decision that determined claimant was overpaid benefits is affirmed.

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.

b. (1)(a) If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The Pandemic Unemployment Assistance program provides for weekly unemployment benefit assistance to any covered individual for any weeks beginning on or after January 27, 2020 and ending on or before December 31, 2020, during which the individual is unemployed, partially unemployed, or unable to work due to COVID-19. That period was subsequently extended through the week ending September 4, 2021. See American Rescue Plan Act of 2021. Iowa ended its participation in the program effective June 12, 2021.

Public Law 116-136, Sec. 2102 provides in relevant part:

(h) RELATIONSHIP BETWEEN PANDEMIC UNEMPLOYMENT ASSISTANCE AND DISASTER UNEMPLOYMENT ASSISTANCE.—Except as otherwise provided in this section or to the extent there is a conflict between this section and section 625 of title 20, Code of Federal Regulations, such section 625 shall apply to this section as if—

(1) the term “COVID–19 public health emergency” were substituted for the term “major disaster” each place it appears in such section 625; and

(2) the term “pandemic” were substituted for the term “disaster” each place it appears in such section 625.

20 CFR Sec. 625.14 provides in relevant part:

(a) Finding and repayment. If the State agency of the applicable State finds that an individual has received a payment of DUA to which the individual was not entitled under the Act and this part, whether or not the payment was due to the individual's fault or misrepresentation, the individual shall be liable to repay to the applicable State the total sum of the payment to which the individual was not entitled, and the State agency shall

take all reasonable measures authorized under any State law or Federal law to recover for the account of the United States the total sum of the payment to which the individual was not entitled.

Claimant did not seek out multiple payments, and it appears this overpayment occurred through no fault of the claimant. Regardless of fault, however, claimant has received PUA benefits to which they were not entitled. Therefore, the administrative law judge concludes that claimant has been overpaid PUA benefits in the amount of \$ 203.00 for the benefit week ending July 11, 2020. Those benefits are subject to recovery in accordance with Iowa law.

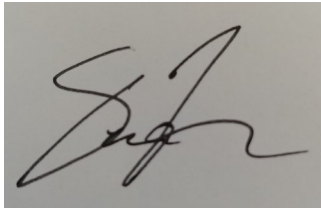
This decision determines claimant is overpaid benefits, and the administrative law judge lacks authority to waive the overpayment. If claimant disagrees with this decision claimant may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.

DECISION:

The December 7, 2021, (reference 01) unemployment insurance decision is affirmed. The claimant has been overpaid \$203.00 in PUA benefits.

REMAND:

The administrative law judge is remanding to the Benefits Bureau the claimant's issue regarding non-receipt of other benefits as outlined in the findings of fact.



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

February 24, 2022
Decision Dated and Mailed

smn/scn

Note to Claimant: This decision determines you have been overpaid PUA 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/application-overpayment-waiver>. If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.