

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**DARSHAWN P HOPE**  
Claimant

**APPEAL 22R-UI-08208-DZ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 09/15/19  
Claimant: Appellant (1R)**

PL 116-136, Sec. 2104 – Federal Pandemic Unemployment Compensation  
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment

**STATEMENT OF THE CASE:**

Darshawn P Hope, the claimant/appellant, filed an appeal from the September 27, 2021, (reference 12) unemployment insurance (UI) decision that concluded he was overpaid Federal Pandemic Unemployment Compensation (FPUC) benefits in the gross amount of \$7,800.00. A hearing was scheduled for December 1, 2021. The parties were properly notified of the hearing. Mr. Hope did not call the toll-free number listed on the hearing notice at the time the hearing was scheduled to begin or during the fifteen-minute grace period. The department did not call the toll-free number listed on the hearing notice at the time the hearing was scheduled to begin or during the fifteen-minute grace period. Since Mr. Hope filed the appeal but did not call in, no hearing was held.

Mr. Hope appealed to the Employment Appeal Board (EAB). The EAB concluded that Mr. Hope had called in thirty minutes after the hearing was scheduled to begin, the line was disconnected, and he was not able to regain access to the system when he called in again. The EAB remanded (sent back) the matter for a new hearing.

A new telephone hearing was scheduled for May 18, 2022. The parties were properly notified about the new hearing. The hearing was held on May 18, 2022. Mr. Hope participated personally. The department did not participate in the hearing. The administrative law judge took official notice of the administrative record.

**ISSUES:**

Has Mr. Hope been overpaid FPUC benefits?

**FINDINGS OF FACT:**

Having reviewed the evidence in the record, the administrative law judge finds: Mr. Hope filed an initial claim for REGULAR (state) UI benefits effective September 15, 2019. Mr. Hope filed weekly continued claims and IWD paid him REGULAR (state) UI benefits on his claim. IWD also paid Mr. Hope FPUC benefits for 15 weeks between April 12, 2020 and July 25, 2020.

FPUC was a program under the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 that provided additional payment to those individuals that are receiving state or federal unemployment insurance payments. It is funded by the federal government, not by state unemployment taxes paid by employers. The Continued Assistance for Unemployed Workers Act of 2020 (enacted December 27, 2020) and American Rescue Act of 2021 (enacted March 11, 2021) extended FPUC benefits for weeks of unemployment to September 6, 2021. The FPUC amount was \$600.00 per week from April 5, 2020 through July 31, 2020. The FPUC amount was \$300.00 per week from December 27, 2020 through September 5, 2021. Governor Reynolds ended Iowa's participation in federal pandemic-related unemployment benefit programs, including the FPUC program, effective June 12, 2021.

Over one year and two months after he filed his initial claim effective September 15, 2019, and after he had already received REGULAR (state) UI benefits and FPUC benefits, IWD issued a December 1, 2020, (reference 03) UI decision finding Mr. Hope not eligible for REGULAR (state) UI benefits because of an April 14, 2020 quit from employment with employer Supreme Staffing Inc. Mr. Hope appealed the UI decision to the Iowa Workforce Development Appeals Bureau. The administrative law judge's decision in Appeal 22R-UI-08204-DZ-T affirmed the reference 03 UI decision.

Mr. Hope applied for a waiver of the FPUC benefit overpayments on, or about, February 17, 2022. IWD has not yet issued a decision on Mr. Hope's waiver application.

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

For the reasons that follow, the administrative law judge concludes as follows:

Iowa Code §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.

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...

Since Mr. Hope is not eligible for REGULAR (state) UI benefits, he is also not eligible for FPUC benefits. Mr. Hope has been overpaid FPUC benefits in the gross amount of \$7,800.00 for 15 weeks between April 12, 2020 and July 25, 2020, which should be repaid.

**DECISION:**

The September 27, 2021, (reference 12) UI decision is AFFIRMED. Mr. Hope has been overpaid FPUC benefits in the gross amount of \$7,800.00, which must be repaid.

**REMAND:**

This matter is REMANDED (sent back) to the Tax Bureau of Iowa Workforce Development for review and a decision on Mr. Hope's application for waiver of the FPUC overpayment.



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Daniel Zeno  
Administrative Law Judge  
Iowa Workforce Development  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax 515-478-3528

June 28, 2022  
Decision Dated and Mailed

dz/mh

**NOTE TO MR. HOPE:**

- This decision determines you have been overpaid FPUC benefits. If you disagree with this decision, you have the right to file an appeal to the Employment Appeal Board (EAB) by following the instructions on the first page of this decision.
- You already applied for a waiver of the FPUC overpayment. IWD will send you a written decision on your waiver application.
- To check on your waiver application call **888-848-7442** or email [iwduiatax@iwdiowa.gov](mailto:iwduiatax@iwdiowa.gov)
- If you disagree with the waiver decision, you have the right to appeal that decision by following the instructions on that decision.