

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MAUREEN E. ROBERTSON
Claimant

APPEAL NO: 22A-UI-04512-CS-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 04/19/20
Claimant: Appellant (1R)

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
PL116-136, Sec. 2104 – Federal Pandemic Unemployment Compensation (FPUC)

STATEMENT OF THE CASE:

On February 10, 2022, the claimant filed an appeal from the February 3, 2022 (reference 06) unemployment insurance decision that concluded she was overpaid \$11,400.00 in Federal Pandemic Unemployment Compensation (FPUC) benefits. After proper notice, a telephone hearing was conducted on March 23, 2022. The hearing was held together with appeals 22A-UI-04503-CS-T; 22A-UI-04504-CS-T; 22A-UI-04505-CS-T; 22A-UI-04508-CS-T; 22A-UI-04511-CS-T; and 22A-UI-04513-CS-T, and combined into one record. The claimant participated. Official notice of the administrative records was taken.

ISSUE:

Is the claimant overpaid Federal Pandemic Unemployment Compensation (FPUC)?

FINDINGS OF FACT:

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

The claimant filed a new claim for unemployment insurance benefits with an effective date of April 19, 2020.

The claimant received federal unemployment insurance benefits through Federal Pandemic Unemployment Compensation (FPUC) as a result of receiving state unemployment benefits. Claimant received \$11,400.00 in FPUC benefits for the period of April 19, 2020 through March 6, 2021.

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been affirmed in a decision of the administrative law judge in appeal 22A-UI-04503-CS-T and 22A-UI-04504-CS-T.

Claimant filed for Pandemic Unemployment Assistance (PUA). On March 15, 2021, claimant was approved for PUA benefits. Claimant's approval retroactively approved her for benefits beginning on April 19, 2020. Claimant was paid PUA benefits for the weeks beginning March 13, 2021

through the week ending April 17, 2021. KPY1 does not show that claimant was paid PUA benefits from April 19, 2020 through March 12, 2021. Claimant received FPUC benefits and LWAP benefits as a result of the state unemployment benefits. Claimant has not been issued FPUC and LWAP benefits as a result of the PUA benefits from April 19, 2020 through March 12, 2021.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge finds claimant was overpaid FPUC benefits.

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.

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...

The FPUC program was extended and the weekly benefit amount was reduced to \$300.00 by the consolidated Appropriations Act, 2021.

Here, the claimant is disqualified from receiving regular unemployment insurance (UI) benefits. Accordingly, this also disqualifies claimant from receiving Federal Pandemic Unemployment Compensation (FPUC). The claimant was overpaid \$11,400.00 in Federal Pandemic Unemployment Compensation (FPUC).

DECISION:

The unemployment insurance decision dated February 3, 2022 (reference 06) is AFFIRMED. The claimant was overpaid \$11,400.00 in Federal Pandemic Unemployment Compensation (FPUC).

REMAND:

The issue of whether claimant was paid PUA benefits, FPUC benefits as a result of the PUA benefits, and LWAP benefits as a result of the PUA benefits, from April 19, 2020 through March 12, 2021, is remanded to the Benefits Bureau to make a determination on whether claimant's overpayment balances can be offset by the unpaid PUA, FPUC and LWAP benefits and issue any surplus of benefits to claimant. If an offset of benefits cannot occur then the Benefits Bureau shall issue payment to claimant for the benefits.



Carly Smith
Administrative Law Judge
Unemployment Insurance Appeals Bureau

March 31, 2022

Decision Dated and Mailed

cs/abd

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/federal-unemployment-insurance-overpayment-recovery>. If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.

You may find additional information about food, housing, and other resources at <https://covidrecoveryiowa.org/> or at <https://dhs.iowa.gov/node/3250>