

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TANYA M KODADA
Claimant

APPEAL 21A-UI-08664-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 05/10/20
Claimant: Appellant (1)**

Iowa Code § 96.3(7) – Overpayment of Benefits
PL 116-136 Sec 2104 – Federal Pandemic Unemployment Compensation (FPUC) Benefits

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the March 19, 2021 (reference 05) unemployment insurance decision that found claimant was overpaid Federal Pandemic Unemployment Compensation (FPUC) benefits in the amount of \$6,600.00 for the eleven weeks between May 10, 2020 and July 25, 2020. A telephone hearing was held on June 10, 2021. The claimant participated personally. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records. The hearing was consolidated with Appeal No. 21A-UI-08663.DB-T.

ISSUE:

Is the claimant overpaid FPUC benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed an original claim for unemployment insurance benefits effective May 10, 2020. She was paid FPUC benefits in the amount of \$6,600.00 for the eleven weeks between May 10, 2020 and July 25, 2020. A decision that disqualified her from being eligible for regular unemployment insurance benefits funded by the State of Iowa was issued and affirmed in Appeal No. 20A-UI-10909-S1-T. No appeal of that decision was filed.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code § 96.3(7)a provides:

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").

....

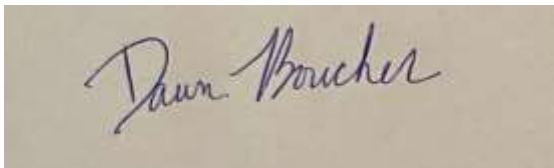
(f) Fraud and Overpayments

(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...

In this case, the claimant received FPUC benefits but was not eligible for those benefits. This was because of the ALJ decision issued in Appeal No. 20A-UI-10909-S1-T. As such, the claimant is overpaid FPUC benefits in the amount of \$6,600.00 for the eleven weeks between May 10, 2020 and July 25, 2020.

DECISION:

The March 19, 2021 (reference 05) unemployment insurance decision is affirmed. The claimant was overpaid FPUC benefits in the amount of \$6,600.00 for the eleven weeks between May 10, 2020 and July 25, 2020.

A rectangular box containing a handwritten signature in blue ink that reads "Dawn Boucher".

Dawn Boucher
Administrative Law Judge

June 24, 2021
Decision Dated and Mailed

db/ol

Note to claimant: Per Section 2104(f)(2) of the CARES Act, you may request a waiver of the overpayment balance. The request must be in writing. For additional information requesting a waiver, please call 888-848-7442 or visit:
<https://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment-and-recovery>.