

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOHANNA L VASKE
Claimant

APPEAL 21A-UI-21320-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 07/05/20
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

On September 23, 2021, Johanna L. Vaske (claimant) appealed an unemployment insurance decision dated September 17, 2021, reference 03, that concluded she was overpaid \$600.00 in Federal Pandemic Unemployment Compensation (FPUC). After due notice was issued, a telephone hearing was held on November 19, 2021, and consolidated with the hearings for appeals 21A-UI-21318-SC-T and 21A-UI-21319-SC-T. The claimant participated. The employer participated through Lisa Bartolo, Human Resources, and Erin Schmidt, Associate Director. The department's Exhibits D1 and D2 were admitted into the record.

ISSUE:

Has the claimant been overpaid FPUC?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of July 5, 2020. The claimant filed for and received a total of \$600.00 in FPUC for the week ending July 11, 2020.

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 21A-UI-12318-SC-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was overpaid FPUC, which must be repaid.

PL116-136, Sec. 2104(b) and (f) provide, in relevant part:

EMERGENCY INCREASE IN UNEMPLOYMENT COMPENSATION BENEFITS.

(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 the claimant is not eligible for regular unemployment benefits, she was overpaid \$600.00 in FPUC. The claimant will be required to repay the benefits received unless she is eligible for a waiver of the overpayment.

DECISION:

The unemployment insurance decision dated September 17, 2021, reference 03, is affirmed. The claimant was overpaid \$600.00 in FPUC and it must repaid unless the overpayment is waived. Instructions to file a request for overpayment are below.



Stephanie R. Callahan
Administrative Law Judge

November 30, 2021
Decision Dated and Mailed

src/src

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