

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MATTHEW D. RATHERT
Claimant

SDH SERVICE WEST LLC
Employer

APPEAL 22A-UI-06236-CS-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/15/20
Claimant: Appellant (2)

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
PL116-136, Sec. 2104 – Federal Pandemic Unemployment Compensation (FPUC)
Iowa Code § 96.19(38) – Total and Partial Unemployment
Iowa Code § 96.5(5)-Compensation

STATEMENT OF THE CASE:

On March 12, 2022, the claimant filed an appeal from the March 7, 2022, (reference 03) unemployment insurance decision that concluded he was overpaid \$900.00 in Federal Pandemic Unemployment Compensation (FPUC) benefits. After proper notice, a telephone hearing was conducted on April 28, 2022. The hearing was held together with appeals 22A-UI-06239-CS-T; 22A-UI-062342-CS-T; and 22A-UI-06245-CS-T and combined into one record. The claimant participated. Official notice of the administrative records was taken.

ISSUE:

- I. Is claimant totally, partially or temporarily unemployed?
- II. Did the claimant correctly report wages earned?
- III. 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 March 15, 2020.

Claimant filed an initial claim for unemployment insurance benefits effective March 15, 2020. Claimant's last day with the employer was March 16, 2020. Claimant did not return to work for the employer. Claimant started a new job on September 7, 2021.

For the week ending July 25, 2020, claimant did not report any wages earned. Claimant received the full weekly benefit amount of \$326.00. Since claimant received state unemployment benefits

he received \$600.00 in Federal Pandemic Unemployment Compensation (FPUC) benefits for the week ending July 25, 2020.

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been reversed in a decision of the administrative law judge in appeal 22A-UI-06239-CS-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge finds claimant was not overpaid FPUC benefits.

Iowa Code § 96.1A(37) provides:

"Total and partial unemployment".

- a. An individual shall be deemed "totally unemployed" in any week with respect to which no wages are payable to the individual and during which the individual performs no services.
- b. An individual shall be deemed partially unemployed in any week in which either of the following apply:
 - (1) While employed at the individual's then regular job, the individual works less than the regular full-time week and in which the individual earns less than the individual's weekly benefit amount plus fifteen dollars.
 - (2) The individual, having been separated from the individual's regular job, earns at odd jobs less than the individual's weekly benefit amount plus fifteen dollars.
- c. An individual shall be deemed temporarily unemployed if for a period, verified by the department, not to exceed four consecutive weeks, the individual is unemployed due to a plant shutdown, vacation, inventory, lack of work or emergency from the individual's regular job or trade in which the individual worked full-time and will again work full-time, if the individual's employment, although temporarily suspended, has not been terminated. 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 \$600.00 (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.

Based on the evidence presented at the hearing, claimant did not perform work for the employer and was totally unemployed. Claimant is eligible to receive regular unemployment insurance (UI) benefits for the week ending July 25, 2020. Accordingly, this also qualifies claimant to receive Federal Pandemic Unemployment Compensation (FPUC). The claimant was not overpaid \$600.00 in Federal Pandemic Unemployment Compensation (FPUC) for the week ending July 25, 2020.

DECISION:

The unemployment insurance decision dated March 7, 2022, (reference 01), is REVERSED. The claimant was not overpaid \$600.00 in Federal Pandemic Unemployment Compensation (FPUC).

A handwritten signature in black ink that reads "Carly Smith". The signature is written in a cursive style. Below the signature, there is a small, faint, illegible stamp or mark.

Carly Smith
Administrative Law Judge

May 3, 2022

Decision Dated and Mailed

cs/mh