

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

RITA R CARSON
Claimant

APPEAL NO. 20A-UI-05837-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 05/17/20
Claimant: Appellant (1)

Iowa Code Section 96.4(4) – Second Benefit Year
Iowa Code Section 96.3(7) – Recovery of Overpaid Benefits
Public Law 116-136 – Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the June 4, 2020, reference 01, decision that denied benefits effective May 17, 2020, based on the deputy's conclusion that the claimant did not meet the minimum earning requirement to be eligible for benefits in connection with a second benefit year. After due notice was issued, a hearing was held on July 16, 2020. Claimant participated. Exhibit A was received into evidence. The administrative law judge took official notice of the following agency administrative records: DBIN, DBRO, KPYX and Wage-A.

ISSUES:

Whether the claimant has met the eight-times weekly benefit amount earnings requirement to be eligible for benefits in connection with a second claim year.

Whether the claimant was overpaid regular benefits in connection with the second benefit year that was effective May 17, 2020.

Whether the claimant was overpaid Federal Pandemic Unemployment Compensation in connection with the second benefit year that was effective May 17, 2020.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established a claim for benefits that was effective May 19, 2019. The claimant established the claim in response to an April 19, 2020 layoff from Shopko Stores. The layoff was pursuant to a business closing. Iowa Workforce Development set the weekly benefit amount at \$467.00. The claimant received \$18,213.00 in benefits for 39 weeks between May 19, 2019 through March 14, 2020, at which time she had exhausted her eligibility for regular benefits. The claimant has not had any employment or wages since she separated from Shopko. Instead, the claimant has been a full-time student. IWD records reflect that the claimant was approved for Department Approved Training for the periods of August 24, 2019 through December 21, 2019 and March 21, 2020 through May 16, 2020.

The claimant established a new claim year that was effective May 17, 2020. In connection with the new claim year, the claimant received \$962.00 in regular benefits for two weeks between

May 17, 2020 and May 30, 2020. In connection with the new claim year, the claimant received \$1,200.00 in Federal Pandemic Unemployment Compensation for two weeks between May 17, 2020 and May 30, 2020.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.4(4)(a-c) provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

4. a. The individual has been paid wages for insured work during the individual's base period in an amount at least one and one-quarter times the wages paid to the individual during that quarter of the individual's base period in which the individual's wages were highest; provided that the individual has been paid wages for insured work totaling at least three and five-tenths percent of the statewide average annual wage for insured work, computed for the preceding calendar year if the individual's benefit year begins on or after the first full week in July and computed for the second preceding calendar year if the individual's benefit year begins before the first full week in July, in that calendar quarter in the individual's base period in which the individual's wages were highest, and the individual has been paid wages for insured work totaling at least one-half of the amount of wages required under this paragraph in the calendar quarter of the base period in which the individual's wages were highest, in a calendar quarter in the individual's base period other than the calendar quarter in which the individual's wages were highest. The calendar quarter wage requirements shall be rounded to the nearest multiple of ten dollars.

c. If the individual has drawn benefits in any benefit year, the individual must during or subsequent to that year, work in and be paid wages for insured work totaling at least eight times the individual's weekly benefit amount, as a condition to receive benefits in the next benefit year.

[Emphasis added.]

The claimant drew benefits in the claim year that started May 19, 2020. The claimant has not worked in or been paid wages for insured work totaling at least eight times her \$467.00 weekly benefit and is not eligible for benefits in connection with the second benefit year that was effective May 17, 2020.

Iowa Code section 96.3(7) provides that if a claimant receives benefits and is deemed ineligible for the benefits, Workforce Development must recover the benefits and the claimant must repay the benefits, even if the claimant was not at fault in receiving the benefits.

Because this decision affirms the denial of benefits in connection with the second benefit year that began May 17, 2020, the \$962.00 in regular benefits that the claimant received for two weeks between May 17, 2020 and May 30, 2020 constitutes an overpayment of benefits that the claimant must repay.

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...

Because the claimant is ineligible for regular unemployment insurance (UI) benefits in connection with the second benefit year that was effective May 17, 2020, she is also ineligible for the \$1,200.00 in Federal Pandemic Unemployment Compensation (FPUC) that she received for two weeks between May 17, 2020 and May 30, 2020. The FPUC benefits constitute an overpayment of benefits that the claimant must repay.

DECISION:

The June 4, 2020, reference 01, is affirmed. The claimant the claimant has not met the minimum earnings requirement to be monetarily eligible for benefits in connection with a second benefit year. The claimant is not eligible for benefits in connection with the benefit year that started on May 17, 2020. The claimant is overpaid \$962.00 in regular benefits for two weeks between May 17, 2020 and May 30, 2020. The claimant is overpaid \$1,200.00 in FPUC benefits for two weeks between May 17, 2020 and May 30, 2020. The claim must repay the overpaid regular and FPUC benefits.

Note to Claimant: This decision determines you are not eligible for regular unemployment insurance benefits. 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. *If this decision becomes final or if you are not eligible for PUA, you will have an overpayment of benefits that you must repay.* Individuals who do not qualify for regular unemployment insurance benefits, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.



James E. Timberland
Administrative Law Judge

July 24, 2020
Decision Dated and Mailed

jet/mh