

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

STACY L CLARK
Claimant

APPEAL 22A-UI-06451-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 02/16/20
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

Stacy L Clark, the claimant/appellant, filed an appeal from the March 4, 2022, (reference 03) unemployment insurance (UI) decision that concluded she was overpaid Federal Pandemic Unemployment Compensation (FPUC) in the gross amount of \$1,800.00 because she incorrectly reported wages earned with employer Wittrock Holdings, LLC. The parties were properly notified about the hearing. A telephone hearing was held on April 25, 2022. Ms. Clark participated personally. The department did not participate in the hearing. The administrative law judge took official notice of the administrative record. Department's Exhibit 1 was admitted as evidence.

ISSUES:

Has Ms. Clark been overpaid FPUC benefits?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: Ms. Clark filed an initial claim for REGULAR (state) UI benefits effective February 16, 2020. Ms. Clark received REGULAR (state) UI benefits on her claim. In relevant part, Ms. Clark also received FPUC benefits for three weeks from June 28, 2020 through July 18, 2020 in the gross amount of \$1,800.00.

FPUC was a program under the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 that provided additional payment to those individuals that are receiving state or federal unemployment insurance payments. It is funded by the federal government, not by state unemployment taxes paid by employers. The Continued Assistance for Unemployed Workers Act of 2020 (enacted December 27, 2020) and American Rescue Act of 2021 (enacted March 11, 2021) extended FPUC benefits for weeks of unemployment to September 6, 2021. The FPUC amount was \$600.00 per week from April 5, 2020 through July 31, 2020. The FPUC amount was \$300.00 per week from December 27, 2020 through September 5, 2021. Governor Reynolds ended Iowa's participation in federal pandemic-related unemployment benefit programs, including the FPUC program, effective June 12, 2021.

IWD conducted an audit of Ms. Clark's wages and asked the employer to report her weekly gross wages to IWD. The employer reported Ms. Clark's weekly gross wages to IWD. Over two years after she filed her initial claim effective February 16, 2020, and over one-and-a-half years after she had already received REGULAR (state) UI benefits, and FPUC benefits, IWD issued a March 4, 2022, (reference 02) decision finding Ms. Clark was overpaid REGULAR (state) UI benefits because she incorrectly reported wages earned with this employer. Ms. Clark appealed the decision to the Iowa Workforce Development Appeals Bureau. The administrative law judge's decision in Appeal 22A-UI-06450-DZ-T affirmed the reference 02 decision.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes Ms. Clark has been overpaid FPUC benefits.

Iowa Code §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.

b. (1) (a) If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

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 reference 01 decision that found Ms. Clark was overpaid REGULAR (state) UI benefits means Ms. Clark was not eligible for REGULAR (state) UI benefits for the weeks she was overpaid, including from June 28, 2020 through July 18, 2020. Since Ms. Clark is not eligible for REGULAR (state) UI benefits from June 28, 2020 through July 18, 2020, she is also not eligible for FPUC benefits for those weeks. Ms. Clark has been overpaid FPUC benefits in the gross amount of \$1,800.00 for three weeks from June 28, 2020 through July 18, 2020, which should be repaid.

DECISION:

The March 4, 2022, (reference 03) decision is AFFIRMED. Ms. Clark has been overpaid FPUC benefits in the gross amount of \$1,800.00, which must be repaid.



Daniel Zeno
Administrative Law Judge
Iowa Workforce Development
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax 515-478-3528

May 10, 2022
Decision Dated and Mailed

dz/scn

NOTE TO MS. CLARK:

- This decision determines you have been overpaid FPUC 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.
- **You may also request a waiver of this overpayment 1) by filing an appeal to the EAB, 2) applying for a waiver online, or 3) applying for a waiver in writing by mail.**
- To check on your waiver application call **888-848-7442** or email iwduiatax@iwdiowa.gov
- The **online request form** is available on the Iowa Workforce Development website at: <https://www.iowaworkforcedevelopment.gov/federal-unemployment-insurance-overpayment-recovery>
- The **written request** must include the following information:
 - Your name & address.
 - Decision number/date of decision.
 - Dollar amount of overpayment requested for waiver.
 - Relevant facts that you feel would justify a waiver.
- The request should be sent to:

Iowa Workforce Development
Overpayment waiver request
1000 East Grand Avenue
Des Moines, IA 50319
- If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.