

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

BREANNA M ELLIOTT
Claimant

APPEAL NO. 21A-UI-09248-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04/19/20
Claimant: Appellant (1)

PL116-136, Sec. 2104(f)(2) – Overpayment of Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

On March 31, 2021, Breanna Elliott (claimant/appellant) appealed the March 19, 2021 (reference 04) decision that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation (FPUC) for the one-week period between May 24 and May 30, 2020. This determination was the result of a decision dated September 15, 2020 (reference 02) that determined claimant was ineligible for benefits and incorrectly reported wages.

A telephone hearing was held on June 17, 2021, pursuant to due notice. Claimant participated personally. The administrative law judge took official notice of the administrative record.

ISSUE:

Was 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 unemployment insurance system shows claimant received FPUC in the amount of \$600.00 in the week ending May 30, 2020. Claimant was subsequently determined to be ineligible for benefits during that week in a decision dated September 15, 2020. That decision has not been appealed further and remains in force. See 20A-UI-08893-DB-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the March 19, 2021 (reference 04) decision that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation (FPUC) for the one-week period between May 24 and May 30, 2020 is AFFIRMED.

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, except that the State agency may waive such repayment if it determines that –

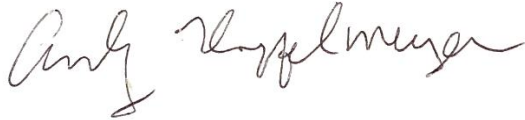
(A) the payment of such Federal Pandemic Unemployment Compensation was without fault on the part of any such individual; and

(B) such repayment would be contrary to equity and good conscience.

The unemployment insurance system shows claimant received FPUC in the amount of \$600.00 in the week ending May 30, 2020. Claimant was subsequently determined to be ineligible for benefits during that week in a decision dated September 15, 2020. That decision has not been appealed further and remains in force. See 20A-UI-08893-DB-T. Because the claimant is ineligible for regular unemployment insurance (UI) benefits during that period, she is also ineligible for FPUC during that period. Claimant has therefore been overpaid FPUC in the amount of \$600.00.

DECISION:

The March 19, 2021 (reference 04) decision that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation (FPUC) for the one-week period between May 24 and May 30, 2020 is AFFIRMED.



Andrew B. Duffelmeyer
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

June 30, 2021
Decision Dated and Mailed

abd/mh

Note to Claimant:

This decision determines you have been overpaid FPUC, PEUC, and/or LWAP. 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.

Individuals who are disqualified from or are otherwise ineligible for **regular** unemployment insurance benefits but who are 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.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.