

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MICHAEL A POESCHL
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**APPEAL 21A-UI-13818-AW-T
ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 03/08/20
Claimant: Appellant (1R)**

PL 116-136, Sec. 2104 – Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

Claimant filed an appeal from the June 7, 2021 (reference 03) unemployment insurance decision that found claimant was overpaid Federal Pandemic Unemployment Compensation (FPUC) benefits. Claimant was properly notified of the hearing. A telephone hearing was held on August 21, 2021, at 9:35 a.m. Claimant participated with his attorney Stuart Cochrane. Claimant's Exhibits A and B were admitted. Official notice was taken of the administrative record.

ISSUE:

Whether claimant is overpaid FPUC benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed for and has received FPUC benefits in the gross amount of \$6,600.00 for the 11-week period between April 5, 2020 and June 27, 2020. On July 2, 2020, Iowa Workforce Development (IWD) issued a decision (reference 01) that denied claimant UI benefits. That decision has been affirmed.

On November 5, 2020, claimant was approved for Pandemic Unemployment Assistance (PUA) benefits effective March 8, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes:

PL 116-136, 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 decision that denied claimant UI benefits remains in effect. Because claimant is not eligible for UI benefits, claimant is also not eligible for FPUC. Therefore, claimant has received FPUC benefits to which claimant was not entitled. The administrative law judge concludes that claimant has been overpaid FPUC benefits in the amount outlined in the findings of fact above. Those benefits must be recovered in accordance with Iowa law.

DECISION:

The June 7, 2021 (reference 03) unemployment insurance decision is affirmed. Claimant has been overpaid FPUC benefits in the amount of \$6,600.00, which must be repaid.

REMAND:

The issue of whether claimant is eligible for FPUC benefits based upon claimant's approval for PUA benefits is remanded to the Benefits Bureau of Iowa Workforce Development for review.



Adrienne C. Williamson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development

1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

August 26, 2021
Decision Dated and Mailed

acw/ol