

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

LEANA S CREECY
Claimant

APPEAL NO. 21A-UI-23210-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 07/05/20
Claimant: Appellant (4)

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

STATEMENT OF THE CASE:

On October 18, 2021, Leana Creecy (claimant/appellant) appealed the decision dated October 11, 2021 (reference 04) that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation in the amount of \$2,100.00 for four weeks between July 5, 2020 and January 2, 2021, as a result of a decision denying benefits.

A telephone hearing was held on December 10, 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 administrative record shows claimant received FPUC in the amount of \$600.00 per week for a total of three weeks, from the benefit week ending July 11, 2020 and continuing through the benefit week ending July 25, 2020. She also received FPUC in the amount of \$300.00 in the week ending January 2, 2021. The total amount of FPUC paid to date is \$2,100.00.

Claimant was subsequently determined to be ineligible for benefits effective July 5, 2020 in a decision dated June 11, 2021. That decision has now been modified to find claimant ineligible for benefits from July 5, 2020 through September 26, 2020, but eligible for benefits after that date. See 21A-UI-23208-AD-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the decision dated October 11, 2021 (reference 04) that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation in the

amount of \$2,100.00 for four weeks between July 5, 2020 and January 2, 2021, as a result of a decision denying benefits is MODIFIED in favor of appellant.

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 American Rescue Plan Act extended FPUC effective December 27, 2020 in the amount of \$300.00 per week and continuing until Iowa ended its participation in the program effective June 12, 2020.

The administrative record shows claimant received FPUC in the amount of \$600.00 per week for a total of three weeks, from the benefit week ending July 11, 2020 and continuing through the benefit week ending July 25, 2020. She also received FPUC in the amount of \$300.00 in the week ending January 2, 2021. The total amount of FPUC paid to date is \$2,100.00.

Claimant was subsequently determined to be ineligible for benefits effective July 5, 2020 in a decision dated June 11, 2021. That decision has now been modified to find claimant ineligible for benefits from July 5, 2020 through September 26, 2020, but eligible for benefits after that date. See 21A-UI-23208-AD-T.

Because the claimant is ineligible for unemployment insurance benefits in the three weeks between July 5 and July 25, 2020, she is also ineligible for the \$1,800.00 of FPUC during that period. Because she was eligible for benefits in the week ending January 2, 2021 she was eligible for the \$300.00 of FPUC in that week. Claimant has therefore been overpaid FPUC in the amount of \$1,800.00.

DECISION:

The decision dated October 11, 2021 (reference 04) that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation in the amount of \$2,100.00 for four weeks between July 5, 2020 and January 2, 2021, as a result of a decision denying benefits is MODIFIED in favor of appellant. The FPUC overpayment amount is \$1,800.00.



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

December 27, 2021
Decision Dated and Mailed

abd/abd

Note to Claimant:

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 determines you have been overpaid federal CARES Act benefits you may request a waiver of the overpayment. Instructions for requesting a waiver 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>.