

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

KAYISSAN ATAYI
Claimant

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

APPEAL NO. 21A-UI-12767-B2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 12/15/19
Claimant: Appellant (1R)

Iowa Code § 96.6-2 – Timeliness of Appeal
Iowa Code § 96.3-7 – Recovery of Overpayment of Benefits
Fed Law PL 116-136, Sec. 2104 – Overpayment of FPUC

STATEMENT OF THE CASE:

Claimant filed an appeal from the April 13, 2021, reference 03, decision that found claimant to have been overpaid benefits. After due notice was issued, a hearing was held on July 24, 2021. The claimant did participate. Interpretive services were provided by CTS Language Link.

ISSUES:

Whether the appeal is timely?

Whether claimant is overpaid FPUC benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant did timely file an appeal in this matter.

The claimant was found to be ineligible to receive unemployment benefits for the 4 weeks ending on June 20, 2020 in an April 14, 2020 ref 01 decision. This decision was upheld in 20A-UI-17178-B2-T. The overpayment decision in the matter was created as a result of the ref 01 decision. Claimant acknowledged receiving \$2,400.00 in FPUC benefits for the 4 weeks ending June 20, 2020.

Claimant was granted PUA benefits covering this time period on June 7, 2021. Said benefits may remove any overpayments.

REASONING AND CONCLUSIONS OF LAW:

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 FPUC was without fault on the part of any such individual; and

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

Here, the claimant is disqualified from receiving regular unemployment insurance (UI) benefits. Accordingly, this also disqualifies claimant from receiving Federal Pandemic Unemployment Compensation (FPUC). The claimant was overpaid \$2,400.00 in Federal Pandemic Unemployment Compensation (FPUC).

Claimant was granted PUA benefits covering the time period of the FPUC overpayment on June 7, 2021. This matter will be remanded to the benefits bureau to redetermine if any overpayment is owed given the granting of PUA benefits.

DECISION:

The April 13, 2021, reference 03, decision is affirmed. The claimant was overpaid FPUC benefits in the amount of \$2,400.00.

REMAND:

This matter will be remanded to the benefits bureau for a redetermination of the amount of overpayment in light of the granting of PUA benefits on June 7, 2021.



Blair A. Bennett
Administrative Law Judge

July 30, 2021
Decision Dated and Mailed

bab/kmj