

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

LORI A LAKEY
Claimant

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

APPEAL NO. 22A-UI-00474-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 07/05/20
Claimant: Appellant (1)

Public Law 116-136, §2104 – Federal Pandemic Unemployment Compensation Overpayment

STATEMENT OF THE CASE:

The claimant, Lori Lakey, filed a timely appeal from the November 29, 2021, reference 04, decision that held the claimant was overpaid \$600.00 in Federal Pandemic Unemployment Compensation (FPUC) benefits for the week that ended July 18, 2020, due to the reference 02 decision that denied benefits in connection with a determination that the claimant was still employed with The University of Iowa under the same hours and wages. After due notice was issued, a hearing was held on January 26, 2022. Claimant participated. There were three appeal numbers set for a consolidated hearing: 22A-UI-00471-JTT, 22A-UI-00473-JTT and 22A-UI-00474-JTT. Exhibits A, B and C were received into evidence. The administrative law judge took official notice of the following Agency administrative records, the reference 02, 03 and 04 decisions, DBIN, KPYX, KFFV and WAGE-A.

ISSUE:

Whether the claimant was overpaid \$600.00 in Federal Pandemic Unemployment Compensation (FPUC) benefits for the week that ended July 18, 2020, due to the reference 02 decision that denied benefits in connection with a determination that the claimant was still employed with The University of Iowa under the same hours and wages.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

The claimant, Lori Lakey, established an original claim for benefits that was effective July 5, 2020. The claimant received benefits that included \$493.00 in regular benefits for the week of July 12-18, 2020. The claimant also received \$600.00 in Federal Pandemic Unemployment Compensation (FPUC) benefits for that same week.

On February 16, 2021, an Iowa Workforce Development represented a reference 02 decision that denied benefits effective July 12, 2020, based on the deputy's conclusion that the claimant was still employed with The University of Iowa under the same hours and wages as in the original contract of hire and was not partially unemployed within the meaning of the law. The reference 02 decision prompted the overpayment decision from which the claimant appeals in

the present matter. The reference 02 decision has been affirmed in Appeal Number 22A-UI-00471-JTT, due to an untimely appeal, and remains in effect.

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 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.

(3) Recovery by state agency —

(A) In general.—The State agency shall recover the amount to be repaid, or any part thereof, by deductions from any Federal Pandemic Unemployment Compensation payable to such individual or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the Federal Pandemic Unemployment Compensation to which they were not entitled, in

accordance with the same procedures as apply to the recovery of overpayments of regular unemployment benefits paid by the State.

(B) Opportunity for hearing.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(4) Review.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

Because the reference 02 decision denied benefits for the period beginning July 12, 2020, and because the reference 02 decision remains in effect for the week that ended July 18, 2020, the \$600.00 in FPUC benefits the claimant received for that week is an overpayment of benefits. The claimant must repay the overpaid FPUC benefits unless the claimant applies for and is approved for waiver of repayment of FPUC benefits. See below.

DECISION:

The November 29, 2021, reference 04, decision is affirmed. The claimant was overpaid \$600.00 in FPUC benefits for the week that ended July 18, 2020, based on the reference 02 decision that denied benefits for that week. The claimant must repay the overpaid FPUC benefits unless the claimant applies for and is approved for waiver of repayment of FPUC benefits. See below.



James E. Timberland
Administrative Law Judge

February 17, 2022
Decision Dated and Mailed

jet/scn

Note to Claimant: This decision determines you have been overpaid FPUC under the CARES Act. 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>. If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.