

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BRADLEY J BARTON
Claimant

APPEAL 22A-UI-01481-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/29/20
Claimant: Appellant (1)

PL 116-136, Sec. 2102 – Pandemic Unemployment Assistance
20 CFR 625 – Disaster Unemployment Assistance
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment

STATEMENT OF THE CASE:

Bradley J Barton, the claimant/appellant, filed an appeal from the December 10, 2021, (reference 01) unemployment insurance (UI) decision that concluded he was overpaid Pandemic Unemployment Assistance (PUA) benefits in the gross amount of \$203.00 “for the BENEFIT-week period beginning 062820 and ending 070420...because you were paid twice for these benefits in error.” The parties were properly notified about the hearing. A telephone hearing was held on February 8, 2022. Mr. Barton participated and testified. The administrative law judge took official notice of the administrative record. Mr. Barton waived notice on Iowa Code § 96.3(7).

ISSUES:

Has Mr. Barton been overpaid PUA benefits?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: Mr. Barton filed an initial claim for REGULAR UI benefits effective March 29, 2020. On April 19, 2020, Iowa Workforce Development (IWD) approved Mr. Barton for PUA benefits as of March 8, 2020. His weekly PUA amount was \$203.00.

PUA was a program under the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 that provided unemployment benefits to any covered individual for any weeks beginning on, or after, January 27, 2020 and ending on, or before, December 31, 2020, during which the individual is unemployed, partially unemployed, or unable to work due to COVID-19. It was funded by the federal government, not by state unemployment taxes paid by employers. The Continued Assistance for Unemployed Workers Act of 2020 (enacted December 27, 2020) and American Rescue Act of 2021 (enacted March 11, 2021) extended PUA benefits for weeks of unemployment to September 6, 2021. Governor Reynolds ended Iowa’s participation in federal pandemic-related unemployment benefit programs, including the PUA program, effective June 12, 2021.

On July 8, 2020, IWD sent Mr. Barton a PUA payment in the gross amount of \$203.00 for the week of June 28, 2020 through July 4, 2020. On July 14, 2020, IWD sent Mr. Barton a PUA payment in the gross amount of \$406.00 for the week of July 5-11, 2020.

Over one year and eight months after he filed his claim, and over one year and five months after IWD sent him the initial PUA payments, IWD issued the reference 01 decision appealed in this matter. In the reference 01 decision, IWD does not explain to Mr. Barton why it sent him two PUA payments for the same week.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes Mr. Barton has been overpaid PUA benefits.

Iowa Code §96.3(7) provides, in pertinent part:

7. Recovery of overpayment of benefits.

a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

b. (1) (a) If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The CARES Act, as amended, provides:

9021(d)(4) WAIVER AUTHORITY.- In the case of individuals who have received amounts of pandemic unemployment assistance to which they were not entitled, the State shall require such individuals to repay the amounts of such pandemic unemployment assistance to the State agency, except that the State agency may waive such repayment if it determines that-

(A) the payment of such pandemic unemployment assistance was without fault on the part of any such individual; and

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

15 U.S.C. §9021(d)(4) as amended by Continued Assistance Act, H.R. 133, 116 Congress, Sec. 201(d). In

IWD attempts to deflect what happened here by stating in the reference 01 decision that Mr. Barton was overpaid PUA benefits because "...[he was] paid twice for these benefits in error."

The error was IWD sending Mr. Barton PUA benefits twice for the same week, not Mr. Barton receiving those PUA benefits.

IWD sent Mr. Barton one PUA payment for the week of June 28, 2020 through July 4, 2020, and a double PUA payment for the week of July 5-11, 2020. The double PUA payment includes the weeks of June 28, 2020 through July 4, 2020 and July 5-11, 2020. IWD sent Mr. Barton two PUA payments for the week of June 28, 2020 through July 4, 2020 through no fault of Mr. Barton. However, Mr. Barton received PUA benefits to which he was not entitled. The law requires recovery of these benefits. IWD overpaid Mr. Barton PUA benefits in the gross amount of \$203.00 for the week of June 28, 2020 through July 4, 2020, which should be repaid.

DECISION:

The December 10, 2021, (reference 01) unemployment insurance decision is affirmed. IWD overpaid Mr. Barton PUA benefits in the gross amount of \$203.00, which must be repaid.



Daniel Zeno
Administrative Law Judge
Iowa Workforce Development
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax 515-478-3528

February 28, 2022
Decision Dated and Mailed

dz/mh

NOTE TO MR. BARTON:

- This decision determines you have been overpaid PUA benefits. 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.
- **You may also request a waiver of this overpayment either 1) online, OR 2) in writing by mail.**
- The **online request form** is available on the Iowa Workforce Development website at: <https://www.iowaworkforcedevelopment.gov/federal-unemployment-insurance-overpayment-recovery>
- The **written request** must include the following information:
 - Your name & address.
 - Decision number/date of decision.
 - Dollar amount of overpayment requested for waiver.
 - Relevant facts that you feel would justify a waiver.
- The request should be sent to:

Iowa Workforce Development
Overpayment waiver request
1000 East Grand Avenue
Des Moines, IA 50319
- If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.