

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JESSICA L MCQUIGGAN
Claimant

APPEAL 21A-UI-24697-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 04/26/20
Claimant: Appellant (1)

PL 116-136 Sec 2104 – Federal Pandemic Unemployment Compensation (FPUC)

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal on January 22, 2021 from the January 13, 2021 (reference 03) unemployment insurance decision that found claimant was overpaid FPUC benefits in the amount of \$6,000.00 for the ten-week period between April 26, 2020 and July 4, 2020. The claimant was properly notified of the hearing. A telephone hearing was held on January 7, 2022. The claimant participated personally. Robin Moore participated as a witness for the claimant. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records. This hearing was consolidated with Appeal No. 21A-UI-24695-DB-T.

ISSUE:

Is the claimant overpaid FPUC benefits from April 26, 2020 through July 4, 2020?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed an original claim for unemployment insurance benefits effective April 26, 2020. An unemployment insurance decision was issued regarding her separation from employment with Retreat at Kenwood that found she was eligible for benefits. The employer filed an appeal and Administrative Law Judge Elder issued a decision in Appeal No. 20A-UI-05695 finding that the separation was disqualifying but that the claimant was not responsible for repaying \$2,810.00 in regular unemployment insurance benefits because the employer did not participate in the fact-finding interview. That decision was affirmed by the Employment Appeal Board in Appeal No. 21B-UI-05695 and no further appeal was filed.

From April 26, 2020 through July 4, 2020, the claimant received FPUC benefits of \$6,000.00 (\$600.00 for ten weeks) as a supplemental benefit to receiving her regular unemployment insurance benefits funded by the State of Iowa.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code § 96.3(7)a provides:

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.

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...

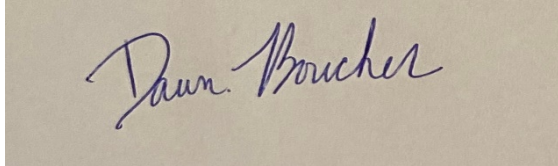
In this case, the claimant received FPUC benefits as a supplement to her regular State of Iowa funded benefits from April 26, 2020 through July 4, 2020. When her separation from employment from Retreat at Kenwood was found to be disqualifying in ALJ Elder's decision issued in Appeal No. 20A-UI-05695, she was not longer eligible for those benefits. **Whether the employer participates in a fact-finding interview does not relieve a party from repayment of Federal FPUC benefits.** As such, the claimant is overpaid Federal FPUC benefits in the amount of \$6,000.00 from April 26, 2020 through July 4, 2020 and those benefits must be repaid to the agency unless the claimant requests a waiver and it is granted.

Note to claimant: Per Section 2104(f)(2) of the CARES Act, you may request a waiver of the overpayment balance. The request must be in writing. For additional information requesting a waiver, please call 888-848-7442 or visit:

<https://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment-and-recovery>.

DECISION:

The January 13, 2021 (reference 03) unemployment insurance decision is affirmed. The claimant was overpaid FPUC benefits in the amount of \$6,000.00 for the ten-week period between April 26, 2020 and July 4, 2020. Those FPUC benefits must be repaid to the agency unless a waiver is requested and granted.

A rectangular box containing a handwritten signature in blue ink that reads "Dawn Boucher".

Dawn Boucher
Administrative Law Judge

January 28, 2022
Decision Dated and Mailed

db/db