

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

KENNETH KAMRADT
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL NO. 21A-UI-06577-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

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

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

STATEMENT OF THE CASE:

On January 13, 2021, Kenneth Kamradt (claimant/appellant) appealed the January 5, 2021 (reference 02) decision that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation (FPUC) in the amount of \$600.00 for the one-week period ending April 4, 2020.

A telephone hearing was held on May 11, 2021, pursuant to due notice. Claimant participated personally. Claimant's Exhibit 1 was admitted. 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 unemployment insurance system shows a check was issued to claimant for \$500.00 for the benefit week ending April 4, 2020. Claimant subsequently determined he was not eligible for benefits in that week due to misreporting his income. He mailed the undeposited check back to the Department and the check was cancelled, as is reflected in the administrative record.

Claimant then received statements from the Department indicating he owed \$500.00 due to an overpayment. Claimant believed this overpayment was for FPUC and so sent a check to the Department in that amount, dated November 13, 2020, which was deposited by the Department. See Claimant's Exhibit 1. At that point, because claimant never deposited the \$500.00 check and then paid the Department \$500.00, he owed the Department -\$500.00.

The decision appealed here was subsequently issued, finding claimant owed \$600.00 for a Federal Pandemic Unemployment Compensation (FPUC) payment for the week ending April 4,

2020. Claimant was paid FPUC in that amount, with \$510.00 being direct deposited and \$90.00 withheld for state and federal taxes.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the January 5, 2021 (reference 02) decision that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation (FPUC) in the amount of \$600.00 for the one-week period ending April 4, 2020 is AFFIRMED. This matter is also REMANDED to the Department with instructions set forth below.

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.

Because the claimant was disqualified from receiving regular unemployment insurance (UI) benefits for the week ending April 4, 2020, he was also disqualified from receiving FPUC during that week. Claimant has therefore been overpaid FPUC in the amount of \$600.00.

However, because claimant never deposited the \$500.00 check and then paid the Department \$500.00, any remaining overpayment amount should be reduced by \$500.00. That should leave an FPUC overpayment amount of \$100.00.

The administrative law judge further notes that claimant may request a waiver of any FPUC overpayment amount. Instructions for doing so are set forth below.

DECISION:

The January 5, 2021 (reference 02) decision that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation (FPUC) in the amount of \$600.00 for the one-week period ending April 4, 2020 is AFFIRMED.

REMAND:

This matter is REMANDED to the Department to confirm that claimant did not deposit the initial \$500.00 check and the check was returned and cancelled; to credit the \$500.00 payment claimant made in November 2020 toward the \$600.00 FPUC overpayment amount; and to issue a statement to claimant for the remaining \$100.00 FPUC overpayment amount.



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

May 19, 2021
Decision Dated and Mailed

abd/scn

Note to Claimant:

This decision determines you have been overpaid FPUC and/or PEUC 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-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>.