

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SARA BARTELLA
Claimant

APPEAL 22A-UI-08624-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04/12/20
Claimant: Appellant (1)

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
PL 116-136, Sec. 2104 – Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

Sara Bartella, the claimant/appellant, filed an appeal from the March 29, 2022 (reference 06) unemployment insurance (UI) decision that concluded she was overpaid Federal Pandemic Unemployment Compensation (FPUC) benefits in the gross amount of \$1,200.00. The parties were properly notified about the hearing. A telephone hearing was held on May 17, 2022. Ms. Bartella participated personally. The department did not participate in the hearing. The administrative law judge took official notice of the administrative record.

ISSUES:

Has Ms. Bartella been overpaid FPUC benefits?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: Ms. Bartella filed an initial claim for REGULAR (state) UI benefits effective April 12, 2020. In relevant part, Ms. Bartella filed weekly continued claims and IWD paid her REGULAR (state) UI benefits on her claim. IWD also paid Ms. Bartella FPUC benefits in the gross amount of \$1,200.00 for the 4 weeks between January 24, 2021 and February 20, 2021.

IWD sent the money to Ms. Bartella on a debit card. Ms. Bartella had received a Bank of America debit card, and she had activated that debit card. Ms. Bartella received a letter from IWD telling her that the debit card would be closed at the end of 2020, and she would receive a new debit card. Ms. Bartella did not recall if she received a new debit card. Ms. Bartella testified that if she did receive a new debit card, she did not activate the new card. Ms. Bartella testified that she did not receive UI benefits in 2021. The administrative record shows IWD paid Ms. Bartella the UI benefits via a debit card.

FPUC was a program under the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 that provided additional payment to those individuals that are receiving state or federal unemployment insurance payments. It is 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 FPUC benefits for weeks of unemployment to September 6, 2021. The FPUC amount was \$600.00 per week from April 5, 2020 through July 31, 2020. The FPUC amount was \$300.00 per week from December 27, 2020 through September 5, 2021. Governor Reynolds ended Iowa's participation in federal pandemic-related unemployment benefit programs, including the FPUC program, effective June 12, 2021.

Almost two months after she filed her initial claim effective April 12, 2020, and after she had already received REGULAR (state) UI benefits and FPUC benefits, IWD issued a May 20, 2021, (reference 02) UI decision finding Ms. Bartella not eligible for REGULAR (state) UI benefits as of January 24, 2021 because she was not able to work at that time due to illness. Ms. Bartella appealed the UI decision to the Iowa Workforce Development Appeals Bureau. The administrative law judge's decision in Appeal 22A-UI-08619-DZ-T affirmed the 02 UI decision.

REASONING AND CONCLUSIONS OF LAW:

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

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.

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...

Since Ms. Bartella is not eligible for REGULAR (state) UI benefits as of January 24, 2021, she is also not eligible for FPUC benefits as of that date. Ms. Bartella has been overpaid FPUC benefits in the gross amount of \$1,200.00 for 4 weeks between January 24, 2021 and February 20, 2021, which should be repaid.

DECISION:

The March 29, 2022 (reference 06) UI decision is AFFIRMED. Ms. Bartella has been overpaid FPUC benefits in the gross amount of \$1,200.00, 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

June 30, 2022
Decision Dated and Mailed

dz/mh

NOTE TO MS. BARTELLA:

- This decision determines you have been overpaid FPUC 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 1) by filing an appeal to the EAB, 2) applying for a waiver online, or 3) applying for a waiver in writing by mail.**
- To check on your waiver application call **888-848-7442** or email iwduiatax@iwdiowa.gov
- 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.