

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

GENESIS R WILDER
Claimant

APPEAL 21A-UI-08458-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 07/28/19
Claimant: Appellant (1)

Iowa Code § 96.3(7) – Overpayment of Benefits

STATEMENT OF THE CASE:

On March 25, 2021, Genesis Wilder (claimant/appellant) filed an appeal from the unemployment insurance decision dated March 15, 2021 (reference 07) that determined she had been overpaid Pandemic Emergency Unemployment Compensation (PEUC) in the amount of \$1,044.00 for the three weeks ending January 16, 2021 based on a decision allowing regular unemployment benefits in a second benefit year.

A telephone hearing was held on June 9, 2021, pursuant to due notice. Claimant participated personally. The administrative law judge took official notice of the administrative record.

ISSUE:

Was the claimant overpaid PEUC?

FINDINGS OF FACT:

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

Claimant filed a claim for regular, state unemployment insurance benefits effective July 28, 2019. She exhausted those benefits in the week ending February 29, 2020. She then began receiving PEUC effective with the benefit week ending April 18, 2020. She continued to receive PEUC through the benefit week ending July 11, 2020, at which time her PEUC was exhausted. She received Extended Benefits after that time, from the week ending July 18, 2020 through the week ending October 3, 2020, when claimant stopped filing for benefits.

Claimant then again filed for benefits beginning with the week ending January 2, 2021. She received PEUC for the weeks ending January 2, 9, and 16, 2021, in the amount of \$348.00 per week. This totaled \$1,044.00. Claimant also received FPUC in the amount of \$300.00 for each of those weeks, for a total FPUC payment amount of \$900.00. She did not receive benefits for any week after that until the week ending March 20, 2021.

A decision was issued on March 15, 2021 (reference 02) which determined claimant was eligible for benefits in a second benefit year beginning July 26, 2020, based on her having

earned sufficient wages during or after the benefit year effective July 28, 2019. This led to the determination that claimant was not eligible for PEUC effective December 20, 2020. That decision has now been affirmed. See 21A-UI-08460-AD-T.

Claimant then received regular, state unemployment insurance benefits in the weeks ending March 20, March 27, April 3, April 10, April 17, April 24, May 1, May 8, 2020. She again began receiving PEUC with the week ending May 15, 2021 and continuing through the week ending June 5, 2021.

She later was paid unemployment insurance benefits in the amount of \$384.00 for the three weeks ending January 9, 2021. This totaled \$1,452.00, \$8.00 of which was withheld to offset overpayments. Regular benefits in the amount of \$484.00 for the weeks ending March 20, 27, April 3, and April 10, 2021 were also withheld to offset overpayments. This totaled \$1,936.00.

The total amount that has been withheld is \$1,944.00. That amount is equal to the total of the \$1,044.00 PEUC overpayment and the \$900.00 Federal Pandemic Unemployment Compensation (FPUC) overpayment. Claimant therefore has no outstanding overpayment.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the decision dated March 15, 2021 (reference 07) that determined she had been overpaid Pandemic Emergency Unemployment Compensation (PEUC) in the amount of \$1,044.00 for the three weeks ending January 16, 2021 is AFFIRMED.

Iowa Code section 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.

Claimant received PEUC for the weeks ending January 2, 9, and 16, 2021, in the amount of \$348.00 per week. This totaled \$1,044.00. Claimant was subsequently determined to be eligible for regular, state benefits in a second benefit year beginning July 26, 2020, based on her having earned sufficient wages during or after the benefit year effective July 28, 2019. This led to the determination that claimant was not eligible for PEUC effective December 20, 2020. That decision has now been affirmed. See 21A-UI-08460-AD-T. Because claimant received PEUC in the amount of \$1,044.00 for which she was later determined to be ineligible, she has been overpaid PEUC in that amount.

The administrative law judge notes the overpayment amount has been recovered from other benefits and there is therefore no outstanding overpayment amount.

DECISION:

The decision dated March 15, 2021 (reference 07) that determined she had been overpaid Pandemic Emergency Unemployment Compensation (PEUC) in the amount of \$1,044.00 for the three weeks ending January 16, 2021 is AFFIRMED.



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

June 25, 2021
Decision Dated and Mailed

abd/ol

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>.