

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**NICK J SULLIVAN**  
Claimant

**APPEAL NO. 22A-UI-00646-B2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 01/05/20**  
**Claimant: Appellant (1)**

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Fed Law PL 116-136 § 2107 – Overpayment of PEUC

**STATEMENT OF THE CASE:**

Claimant appealed a representative's decision dated November 24, 2021, reference 04, that concluded claimant was overpaid PEUC benefits as a result of a disqualification decision. A hearing was scheduled and held on January 28, 2022 pursuant to due notice. Claimant did participate.

**ISSUES:**

Whether claimant is overpaid PEUC unemployment insurance benefits?

**FINDINGS OF FACT:**

The administrative law judge, having considered all of the evidence in the record, finds that: The overpayment issue in this case was created by a ruling claimant was improperly paid state and federal unemployment benefits. Claimant was deemed to have been overpaid \$2,500.00 in PEUC unemployment benefits for the five weeks ending February 6, 2021. Claimant could not say whether he'd received these payments, but they were reflected as paid through IWD documentation.

Claimant was found to be ineligible for unemployment benefits after the date of January 2, 2021 in case 22A-UI-00645-B2-T.

The administrative law judge has determined payments toward this overpayment and the FPUC overpayment reflected in 22A-UI-00647-B2-T are being made on a weekly basis, and, as of the date of 1-28-22 are at a total combined level of \$646.00.

**REASONING AND CONCLUSIONS OF LAW:**

PL 116-136 Sec 2107 provides in pertinent part:

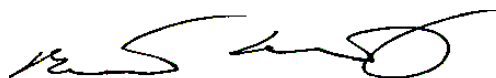
PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION.

(e) FRAUD AND OVERPAYMENTS.— (1) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of pandemic emergency unemployment compensation under this section to which such individual was not entitled, such individual— (A) shall be ineligible for further pandemic emergency unemployment compensation under this section in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and (B) shall be subject to prosecution under section 1001 of title 18, United States Code. (2) REPAYMENT.—In the case of individuals who have received amounts of pandemic emergency unemployment compensation under this section to which they were not entitled, the State shall require such individuals to repay the amounts of such pandemic emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that— (A) the payment of such pandemic emergency unemployment compensation was without fault on the part of any such individual; and (B) such repayment would be contrary to equity and good conscience.

The administrative law judge concludes that claimant was overpaid PEUC unemployment insurance benefits in the amount of \$2,500.00 for the five weeks ending February 6, 2021, pursuant to Fed Law PL 116-136 § 2107 as the disqualification decision that created the overpayment decision has now been affirmed.

**DECISION:**

The decision of the representative dated November 24, 2021, reference 04, is affirmed. Claimant was overpaid unemployment insurance benefits in the amount of \$2,500.00.



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Blair A. Bennett  
Administrative Law Judge

February 18, 2022  
Decision Dated and Mailed

bab/mh

**NOTE TO CLAIMANT:**

- This decision determines you have been overpaid PEUC 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. The written request must include the following information:
  1. Claimant name & address.
  2. Decision number/date of decision.
  3. Dollar amount of overpayment requested for waiver.
  4. 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
- This Information can also be found on the Iowa Workforce Development website 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.