

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**JESTANIE L SIMS**  
Claimant

**APPEAL NO. 22R-UI-08305-AD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

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

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PL 116-136, Sec. 2104 – Federal Pandemic Unemployment Compensation

**STATEMENT OF THE CASE:**

On October 22, 2021, Jestanie Sims (claimant/appellant) appealed the Iowa Workforce Development (“IWD”) decision dated October 13, 2021 (reference 03) that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation in the amount of \$7,800.00 for the 13-week period ending July 25, 2020 as a result of a prior decision denying benefits.

A telephone hearing was set for December 15, 2021. Claimant did not appear for the hearing and a default decision was issued. Claimant appealed the default decision to the Employment Appeal Board (EAB). The EAB remanded for another hearing.

A telephone hearing was held on May 20, 2022, pursuant to due notice. Appeal Nos. 22R-UI-08303-AD-T, 22R-UI-08305-AD-T, and 22R-UI-08306-AD-T are related and were heard together. Claimant participated personally. No exhibits were 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 administrative record shows claimant received FPUC in the amount of \$7,800.00 during the period in question. Claimant was subsequently determined to be ineligible for benefits during that period in a decision dated October 14, 2020. Claimant appealed that decision. It was affirmed by ALJ Zeno in a decision dated December 22, 2020. That decision remains in force. See 20A-UI-12868-DZ-T.

Claimant subsequently applied for Pandemic Unemployment Assistance (PUA). PUA was allowed in a decision dated December 29, 2020. PUA was allowed effective March 29, 2020 and continuing through June 12, 2021 in the amount of \$294.00 per week.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons set forth below, the decision dated October 13, 2021 (reference 03) that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation in the amount of \$7,800.00 for the 13-week period ending July 25, 2020 as a result of a prior decision denying benefits is AFFIRMED.

PL 116-136, 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.

The administrative record shows claimant received FPUC in the amount of \$7,800.00 during the period in question. Claimant was subsequently determined to be ineligible for benefits during that period in a decision dated October 14, 2020. Claimant appealed that decision. It was affirmed by ALJ Zeno in a decision dated December 22, 2020. That decision remains in force. See 20A-UI-12868-DZ-T.

Because the claimant was ineligible for unemployment insurance benefits during the period in question she was also ineligible for FPUC during that period. Claimant was therefore overpaid FPUC in the amount of \$7,800.00.

**DECISION:**

The decision dated October 13, 2021 (reference 03) that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation in the amount of \$7,800.00 for the 13-week period ending July 25, 2020 as a result of a prior decision denying benefits is AFFIRMED.

**REMAND:**

This matter is REMANDED to the Benefits Bureau for issuance of PUA and related payments to claimant during the periods she was ineligible for UI but was eligible for PUA. IWD may withhold PUA and related payments to the extent allowed by law to recover outstanding overpayments.



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Andrew B. Duffelmeyer  
Administrative Law Judge

May 25, 2022  
Decision Dated and Mailed

abd/abd

**Note to Claimant:**

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.

If this decision determines you have been overpaid federal pandemic-related benefits you may request a waiver of the overpayment. Instructions for requesting a waiver 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.