

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**MICHAEL S MARINKO**  
Claimant

**APPEAL 22A-UI-04460-LJ-T**  
**ADMINISTRATIVE LAW JUDGE**  
**DECISION**

**IOWA WORKFORCE**  
**DEVELOPMENT DEPARTMENT**

**OC: 05/02/21**  
**Claimant: Appellant (2)**

---

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

**STATEMENT OF THE CASE:**

On February 7, 2021, the claimant, Michael S. Marinko, appealed the February 2, 2022, (reference 05) decision that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation (“FPUC”) benefits in the amount of \$300.00 for the one-week period ending May 8, 2021. A telephonic hearing was held at 1:00 p.m. on Wednesday, March 23, 2022, pursuant to due notice. Appeal numbers 22A-UI-04459-LJ-T and 22A-UI-04460-LJ-T were heard together and created one record. The claimant, Michael S. Marinko, participated. The employer, University of Dubuque, participated through Julie MacTaggart, Human Resource Director. The administrative law judge took official notice of the administrative record.

**ISSUE:**

Whether claimant is overpaid FPUC benefits.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The decision that disqualified claimant from receiving unemployment insurance benefits and, thus, FPUC benefits (and resulted in the overpayment) has been reversed. See 22A-UI-04459-LJ-T.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes claimant was not overpaid FPUC benefits.

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—

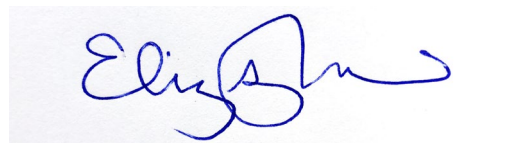
(A) the payment of such Federal Pandemic Unemployment Compensation was without fault on the part of any such individual; and

(B) such repayment would be contrary to equity and good conscience.

Because claimant's separation was not disqualifying, claimant was entitled to receive FPUC benefits. The administrative law judge concludes that claimant was not overpaid FPUC benefits.

**DECISION:**

The February 2, 2022 (reference 05) unemployment insurance decision is reversed. Claimant was not overpaid FPUC benefits.



---

Elizabeth A. Johnson  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau

March 31, 2022  
Decision Dated and Mailed

lj/lj