

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CHRISTINA NELSON
Claimant

APPEAL 22A-UI-01314-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 01/03/21
Claimant: Appellant (1)**

Iowa Code § 96.3(7) – Overpayment of Benefits
PL 116-136 Sec 2104 – Federal Pandemic Unemployment Compensation (FPUC)

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the December 9, 2021 (reference 03) unemployment insurance decision that found claimant was overpaid FPUC benefits in the amount of \$600.00 for two weeks between January 3, 2021 and January 16, 2021. The claimant was properly notified of the hearing. A telephone hearing was held on February 7, 2022. The claimant participated personally. Kyle Nelson participated as a witness for the claimant. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records. The hearing was consolidated with Appeal No. 22A-UI-01312-DB-T and 22A-UI-01313-DB-T.

ISSUE:

Is the claimant overpaid FPUC benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed an original claim for regular unemployment insurance benefits funded by the State of Iowa with an effective date of January 3, 2021. She was paid regular unemployment insurance benefits funded by the State of Iowa from January 3, 2021 through January 16, 2021 in the amount of \$494.00. As a supplement to her regular Iowa unemployment insurance benefits, she was paid supplemental FPUC benefits of \$600.00 during the two week period of January 3, 2021 through January 16, 2021.

Iowa Workforce Development issued a decision dated February 22, 2021 (reference 01) which found that the claimant was not eligible for regular unemployment insurance benefits funded by the State of Iowa due to her not being able to and available for work. That decision was appealed and affirmed in Appeal No. 22A-UI-01312-DB-T. No application for Federal Pandemic Unemployment Assistance (PUA) benefits has been filed at this time.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code § 96.3(7)a provides:

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.

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...

PL 116-136 Section 2104 of the CARES Act created a program in which an additional \$600.00 per week was payable to claimants who were eligible for at least \$1.00 per week in benefits stemming from other programs including regular unemployment insurance funded by the State of Iowa, Pandemic Emergency Unemployment Compensation, Pandemic Unemployment Assistance, Iowa Extended benefits, and Trade Act benefits. This initial program ran from March 29, 2020 through July 25, 2020. Claimants were only eligible to receive FPUC payments if they were entitled to receive benefits from another applicable program. The payments of FPUC benefits were automatic so long as a claimant was determined to be eligible under one of the other applicable programs. On December 27, 2020, the Continued Assistance to

Unemployed Workers Act of 2020 (CAA) was enacted, which reauthorized the FPUC program for weeks of unemployment beginning after December 26, 2020 and ending on or before March 14, 2021. The CAA modified the weekly supplemental benefit amount from \$600.00 to \$300.00.

In this case, the claimant received FPUC benefits from January 3, 2021 through January 16, 2021 because at that time there was no disqualifying decision that found she was not eligible for the regular unemployment insurance benefits funded by the State of Iowa. The FPUC benefits were paid in conjunction with and based upon her eligibility for regular unemployment insurance benefits funded by the State of Iowa. As soon as the claimant was disqualified from receipt of regular unemployment insurance benefits pursuant to the decision issued on February 22, 2021 (reference 01) which was affirmed in Appeal No. 22A-UI-01312-DB-T, she was no longer eligible for FPUC benefits. Because the claimant has not been found eligible for PUA benefits or any other qualifying program in which FPUC benefits would be allowed, the claimant has been overpaid FPUC benefits in the amount of \$600.00 for two weeks between January 3, 2021 and January 16, 2021. Those benefits must be repaid unless a waiver is requested and granted.

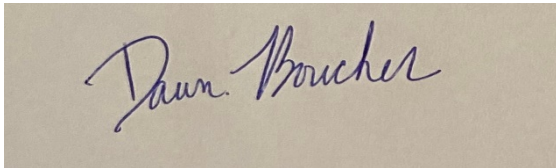
Pursuant to PL 116-136 Section 2104(F)(2) of the CARES Act, the claimant may request a waiver of the overpayment of FPUC benefits. The request for waiver should be sent to:

Iowa Workforce Development
Overpayment Waiver Request
1000 East Grand Avenue
Des Moines, Iowa 50319

The request for waiver of overpayment should include the claimant's name, address, decision number and date of decision, dollar amount of overpayment requested for waiver, and all relevant facts the claimant feels would justify a waiver of the overpayment balance. The claimant may also visit <https://www.iowaworkforcedevelopment.gov/application-overpayment-waiver>.

DECISION:

The December 9, 2021 (reference 03) unemployment insurance decision is affirmed. The claimant was overpaid FPUC benefits in the amount of \$600.00 for two weeks between January 3, 2021 and January 16, 2021.



Dawn Boucher
Administrative Law Judge

February 24, 2022
Decision Dated and Mailed

db/db