

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CAITLYN BLANKENSHIP
Claimant

APPEAL 21A-UI-17074-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 03/15/20
Claimant: Appellant (1)

PL 116-136 Sec 2104 – Federal Pandemic Unemployment Compensation (FPUC) Benefits

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the July 29, 2021 (reference 03) unemployment insurance decision that found claimant was overpaid Federal Pandemic Unemployment Compensation (FPUC) benefits in the amount of \$3,000.00 for the five weeks between March 29, 2020 and May 2, 2020. The claimant was properly notified of the hearing. A telephone hearing was held on September 29, 2021. The claimant participated personally. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records. The hearing was consolidated with Appeal No. 21A-UI-17072-DB-T and 21A-UI-17073-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: A decision issued on September 16, 2020 (reference 01) had found that the claimant was not eligible for regular unemployment insurance benefits funded by the State of Iowa effective March 15, 2020 as she was still employed with Kismet Alt-A LLC for the same hours and wages as her original contract of hire. That denial of benefits decision was affirmed in Appeal No. 21A-UI-17072-DB-T. Claimant received FPUC benefits of \$3,000.00 for five weeks ending May 2, 2020 because she was not denied regular unemployment insurance benefits at that time. Claimant has not been approved for any other benefit program for the five weeks ending May 2, 2020 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...

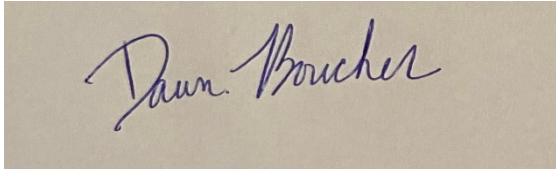
In this case, the claimant received FPUC benefits but was not eligible for those benefits. This was because of the decision dated September 16, 2020 that found the claimant was still employed at the same hours and same wages as her original contract of hire. Because she was not eligible for regular unemployment insurance benefits effective March 15, 2020, she is also not eligible for the supplemental FPUC benefits that were initially paid to her based on her initial eligibility. As such, the claimant is overpaid FPUC benefits in the amount of \$3,000.00 from March 29, 2020 through May 2, 2020.

Note to claimant: Per Section 2104(f)(2) of the CARES Act, you may request a waiver of the overpayment balance. The request must be in writing. For additional information requesting a waiver, please call 888-848-7442 or visit:

<https://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment-and-recovery>.

DECISION:

The July 29, 2021 (reference 03) unemployment insurance decision is affirmed. The claimant was overpaid FPUC benefits in the amount of \$3,000.00 for the five weeks between March 29, 2020 and May 2, 2020.



Dawn Boucher
Administrative Law Judge

September 30, 2021
Decision Dated and Mailed

db/kmj