

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

DAWN R FUEHRER
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL NO. 22A-UI-04527-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/29/20
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

On February 8, 2022, Dawn Fuehrer (claimant/appellant) appealed the decision dated February 3, 2022 (reference 13) that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation in the amount of \$10,200.00 for the 17-week period ending July 25, 2020 as a result of a disqualification decision.

A telephone hearing was held on March 24, 2022, pursuant to due notice. Claimant participated personally. 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 total amount of \$10,200.00 from the benefit week ending April 11, 2020 and continuing through the benefit week ending July 25, 2020.

Claimant was subsequently determined to be disqualified from unemployment insurance benefits during that period in a decision dated March 19, 2021. That decision remains in force. See 22A-UI-04524-AD-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the decision dated February 3, 2022 (reference 13) that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation in the amount of \$10,200.00 for the 17-week period ending July 25, 2020 as a result of a disqualification decision is AFFIRMED.

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, 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 total amount of \$10,200.00 from the benefit week ending April 11, 2020 and continuing through the benefit week ending July 25, 2020.

Claimant was subsequently determined to be disqualified from unemployment insurance benefits during that period in a decision dated March 19, 2021. That decision remains in force. See 22A-UI-04524-AD-T.

Because the claimant is disqualified from UI during the above period she is also ineligible for FPUC during that period. Claimant has therefore been overpaid FPUC in the amount of \$10,200.00.

DECISION:

The decision dated February 3, 2022 (reference 13) that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation in the amount of \$10,200.00 for the 17-week period ending July 25, 2020 as a result of a disqualification decision is AFFIRMED.



Andrew B. Duffelmeyer
Administrative Law Judge

March 31, 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.