

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MALLORY FARRELL
Claimant

APPEAL 22A-UI-01427-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 03/15/20
Claimant: Appellant (4)

Iowa Code § 96.3(7) – Overpayment of Benefits
PL 116-136 Section 2102 – Federal Pandemic Unemployment Assistance (PUA)

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the December 10, 2021 (reference 03) unemployment insurance decision that found claimant was overpaid PUA benefits in the amount of \$118.00 for one week ending July 11, 2020 in error as a duplicate payment. The claimant was properly notified of the hearing. A telephone hearing was held on February 8, 2022. 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. 22A-UI-01425-DB-T; 22A-UI-01426-DB-T; and 22A-UI-01428-DB-T.

ISSUE:

Is the claimant overpaid PUA benefits for the week-ending July 11, 2020?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed for Federal PUA benefits and was approved. Her PUA weekly benefit amount was \$203.00. According to the claimant's administrative records, for the week-ending July 11, 2020, the claimant was paid PUA benefits of \$236.00 instead of her regular \$203.00 weekly benefit amount. This was due to an error on the part of Iowa Workforce Development. No wages were reported by the claimant for the week-ending July 11, 2020.

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.

(emphasis added).

The Pandemic Unemployment Assistance program provides for weekly unemployment benefit assistance to any covered individual for any weeks beginning on or after January 27, 2020 and ending on or before December 31, 2020, during which the individual is unemployed, partially unemployed, or unable to work due to COVID-19. That period was subsequently extended through the week ending September 4, 2021. See American Rescue Plan Act of 2021. Iowa ended its participation in the Federal program effective June 12, 2021.

Public Law 116-136, Sec. 2102 provides in relevant part:

(h) RELATIONSHIP BETWEEN PANDEMIC UNEMPLOYMENT ASSISTANCE AND DISASTER UNEMPLOYMENT ASSISTANCE.—Except as otherwise provided in this section or to the extent there is a conflict between this section and section 625 of title 20, Code of Federal Regulations, such section 625 shall apply to this section as if—

(1) the term “COVID–19 public health emergency” were substituted for the term “major disaster” each place it appears in such section 625; and

(2) the term “pandemic” were substituted for the term “disaster” each place it appears in such section 625.

20 CFR Sec. 625.14 provides in relevant part:

(a) Finding and repayment. If the State agency of the applicable State finds that an individual has received a payment of DUA to which the individual was not entitled under the Act and this part, whether or not the payment was due to the individual's fault or misrepresentation, the individual shall be liable to repay to the applicable State the total sum of the payment to which the individual was not entitled, and the State agency shall take all reasonable measures authorized under any State law or Federal law to recover for the account of the United States the total sum of the payment to which the individual was not entitled.

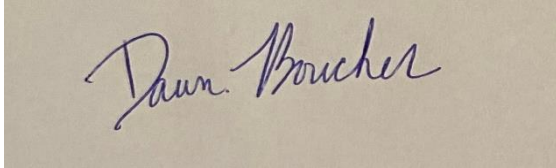
This overpayment occurred through no fault of the claimant as it occurred due to an error by Iowa Workforce Development. Regardless of fault, claimant has received PUA benefits to which she was not entitled. Therefore, the administrative law judge concludes that claimant has been overpaid PUA benefits in the amount of \$33.00 for the one-week period ending July 11, 2020, which is the difference between what the claimant was paid for that week, \$236.00, less the weekly benefit amount of \$203.00 that she was entitled to. The \$33.00 in overpayment of PUA benefits must be repaid unless a waiver is requested and granted.

The claimant may file a written request to have this overpayment waived. Instructions for requesting a waiver of this overpayment can be found at:

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

DECISION:

The December 10, 2021 (reference 03) unemployment insurance decision is modified in favor of the appellant. The claimant was overpaid PUA benefits in the amount of \$33.00 for the week-ending July 11, 2020 and not \$118.00 in PUA benefits for the week-ending July 11, 2020 as originally determined.



Dawn Boucher
Administrative Law Judge

February 24, 2022
Decision Dated and Mailed

db/db