

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

STEVE IVERSON
Claimant

APPEAL 22A-UI-07257-AR-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 04/04/21
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

The claimant filed an appeal from the March 24, 2022, (reference 02), unemployment insurance decision that determined claimant was overpaid Federal Pandemic Unemployment Compensation (FPUC) benefits in the amount of \$900.00 for the three-week period ending April 24, 2021, due to unreported wages earned from employer Ivysun Properties, LLC. The parties were properly notified of the hearing. A telephone hearing was held on May 6, 2022, and was consolidated with the hearing for appeal number 22A-UI-07256-AR-T. The claimant, Steve Iverson, participated on his own behalf, and on behalf of the employer, as he is the owner of the employer. Claimant's Exhibit A was admitted. The administrative law judge took official notice of the administrative record.

ISSUE:

Was the claimant overpaid FPUC benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed a claim for unemployment insurance benefits with an effective date of April 4, 2021. At the time, the employer was impacted by COVID-19, and claimant could not draw wages. Claimant did not work, nor did he earn any wages, during the three weeks ending April 24, 2021. He filed for and received weekly benefit payments for the three-week period ending April 24, 2021.

Iowa Workforce Development made an inquiry into wages earned by claimant. The employer's CPA firm reported that claimant worked and earned wages in excess of his weekly benefit amount, plus, \$15.00, during the three-week period that ended April 24, 2021. However, claimant has provided evidence supporting his testimony that he did not work or earn wages until May 31, 2021. See Exhibit A. Claimant testified that the person handling the employer's accounts at the CPA firm made a mistake and had difficulty handling the employer's accounts throughout the period when he was assigned to the employer. It is to this that the claimant attributes the mistake during that three-week period.

Claimant was granted FPUC benefits as a supplement to his eligibility for regular unemployment insurance benefits. He filed for and received FPUC benefits in the amount of \$900.00 for the three-week period ending April 24, 2021.

REASONING AND CONCLUSIONS OF LAW:

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

Public Law 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 was eligible to receive regular unemployment insurance benefits the three-week period ending April 24, 2021, he is also eligible to receive the FPUC benefit payment for those weeks. Accordingly, the administrative law judge concludes that claimant was not overpaid FPUC benefits.

DECISION:

The March 24, 2022, (reference 02), unemployment insurance decision is reversed. The claimant has not been overpaid FPUC benefits in the amount of \$900.00.



Alexis D. Rowe
Administrative Law Judge

May 25, 2022
Decision Dated and Mailed

ar/kmj