

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CHASITY M BUCKLEY
Claimant

APPEAL 20A-UI-15536-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 03/22/20
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the November 4, 2020 (reference 03) unemployment insurance decision that found claimant was overpaid Federal Pandemic Unemployment Compensation (FPUC) benefits in the amount of \$6,600.00 for the eleven-week period ending June 20, 2020. The claimant was properly notified of the hearing. A telephone hearing was held on January 26, 2021. The claimant participated personally. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records. This hearing was consolidated with Appeal No. 20A-UI-15534-DB-T and Appeal No. 20A-UI-15535-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 unemployment insurance benefits effective March 22, 2020. An unemployment insurance decision was issued on June 25, 2020 (reference 01) that found she was not eligible for benefits due to a voluntary quitting of work. That decision was modified in favor of the appellant in Appeal No. 20A-UI-15534-DB-T. The overpayment issue in this case was created by a disqualification decision that has been modified in favor of the appellant.

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").

....

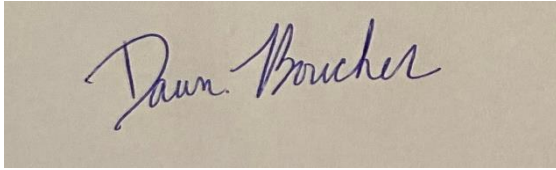
(f) Fraud and Overpayments

(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...

The administrative law judge concludes that the claimant has not been overpaid FPUC benefits in the amount of \$6,600.00 for the eleven-week period ending June 20, 2020 pursuant to Iowa Code § 96.3(7) and PL 116-136 Section 2104, as the disqualification decision that created the overpayment has been modified in favor of the appellant.

DECISION:

The November 4, 2020 (reference 03) unemployment insurance decision is reversed. The claimant has not been overpaid FPUC benefits in the amount of \$6,600.00 for the eleven-week period ending June 20, 2020 pursuant to Iowa Code § 96.3(7) and PL 116-136 Sec 2104 as the disqualification decision that created the overpayment has been modified in favor of the appellant.

A rectangular area containing a handwritten signature in blue ink on a light brown background. The signature reads "Dawn Boucher" in a cursive script.

Dawn Boucher
Administrative Law Judge

February 11, 2021
Decision Dated and Mailed

db/ol