

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BROOK A LUST
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 22A-UI-10347-AW-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:

Claimant filed an appeal from the April 15, 2022 (reference 03) unemployment insurance decision that found claimant was overpaid unemployment insurance (UI) benefits, Federal Pandemic Unemployment Compensation (FPUC) benefits and Lost Wage Assistance Program (LWAP) benefits. Claimant was properly notified of the hearing. The hearing was consolidated with appeal 22A-DUA-00065-AW-T. A telephone hearing was held on May 11, 2022. Claimant participated. Claimant's Exhibits A and B were admitted. Official notice was taken of the administrative record.

ISSUES:

Whether claimant was overpaid UI, FPUC or LWAP benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant filed for and has received UI benefits in the gross amount of \$909.17 for the nine-week period between May 31, 2020 and August 1, 2020.

Claimant filed for and has received FPUC benefits in the gross amount of \$4,800.00 for the eight-week period between May 31, 2020 and July 25, 2020.

Claimant received LWA benefits in the gross amount of \$300.00 for the one-week period between July 26, 2020 and August 1, 2020.

On March 3, 2021, Iowa Workforce Development (IWD) issued a decision (reference 02) that denied claimant UI benefits effective May 31, 2020. That decision remains in effect.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes:

Iowa Code section 96.3(7) states:

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.

PL 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.

The decision that denied claimant UI benefits remains in effect. Therefore, claimant has received UI benefits to which claimant was not entitled. Because claimant is not eligible for UI benefits, claimant is also not eligible for FPUC or LWA benefits. Therefore, claimant has also received FPUC and LWA benefits to which claimant was not entitled.

The administrative law judge concludes that claimant has been overpaid UI, FPUC and LWA benefits in the amounts outlined in the findings of fact above. Those benefits must be recovered in accordance with Iowa law.

The administrative law judge concludes that claimant has been overpaid UI benefits in the amount outlined in the findings of fact above. Those benefits must be recovered in accordance with Iowa law.

DECISION:

The April 15, 2022 (reference 03) unemployment insurance decision is affirmed. Claimant has been overpaid UI benefits in the amount of \$909.17, FPUC benefits in the amount of \$4,800.00, and LWAP benefits in the amount of \$300.00, which must be repaid.



Adrienne C. Williamson
Administrative Law Judge
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Fax (515)478-3528

May 27, 2022
Decision Dated and Mailed

acw/ACW

NOTE TO CLAIMANT: This decision determines you have been overpaid benefits under the CARES Act. 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. Additionally, instructions for requesting a waiver of this overpayment 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.