

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**BRYAN J DEJOODE**  
Claimant

**APPEAL NO: 22A-UI-00695-CS-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

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

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

**STATEMENT OF THE CASE:**

On December 9, 2021, the claimant filed an appeal from the December 6, 2021, (reference 01) unemployment insurance decision that concluded he was overpaid \$205.00 in Pandemic Unemployment Assistance (PUA) benefits. After proper notice, a telephone hearing was conducted on January 28, 2022. The hearing was held together with appeals 22A-UI-00696-CS-T and combined into one record. The claimant participated. Katie Welshhons was present as a witness. Official notice of the administrative records was taken. Exhibit A was admitted into the record.

**ISSUE:**

Is the claimant overpaid PUA benefits for the one-week period between July 5, 2020 and July 11, 2020 in the amount of \$205.00?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed for benefits with an effective date of March 29, 2020. Claimant qualified for Pandemic Unemployment Assistance (PUA) with a weekly benefit amount of \$205.00. Claimant filed for PUA benefits each week beginning March 29, 2020 through week ending June 12, 2021. (KCCO).

For the week ending May 9, 2020, claimant reported that he earned \$1,177.00 in wages. (KCCO). Since claimant reported \$1,177.00 in wages he did not receive PUA benefits for that week. Claimant testified that he should have only reported that he had \$211.00 in wages. Claimant claims that he was underpaid for the week ending May 9, 2020.

An unemployment insurance benefits assessment for PUA overpayment was issued on December 6, 2021 (reference 01) that found the claimant was overpaid PUA benefits of \$205.00 from July 5, 2020 through July 11, 2020. For the week ending July 11, 2020, claimant received a total of \$410.00 in PUA benefits. (KPY1). Claimant was only entitled to receive \$205.00 for the week ending July 11, 2020.

## REASONING AND CONCLUSIONS OF LAW:

The administrative law judges finds that claimant was overpaid PUA benefits for the week ending July 11, 2020.

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 CARES Act was established to provide PUA benefits to qualified individuals who were not eligible for regular compensation or extended benefits under State or Federal law or pandemic emergency unemployment compensation. However, the claimant must be a “covered individual” under the Act. PL 116-136 Section 2102(a), (b), (c), and (h) provide as follows:

### SEC. 2102. PANDEMIC UNEMPLOYMENT ASSISTANCE.

(a) DEFINITIONS. — In this section:

(3) COVERED INDIVIDUAL. — The term “covered individual”—

(A) means an individual who—

(i) is not eligible for regular compensation or extended benefits under State or Federal law or pandemic emergency unemployment compensation under section 2107, including an individual who has exhausted all rights to regular unemployment or extended benefits under State or Federal law or pandemic emergency unemployment compensation under section 2107; **and**

(ii) provides self-certification that the individual— (I) is otherwise able to work and available for work within the meaning of applicable State law, except the individual is unemployed, partially unemployed, or unable or unavailable to work **because—**

(aa) the individual has been diagnosed with COVID–19 or is experiencing symptoms of COVID–19 and seeking a medical diagnosis;

(bb) a member of the individual’s household has been diagnosed with COVID–19; (cc) the individual is providing care for a family member or a member of the individual’s household who has been diagnosed with COVID–19;

(dd) a child or other person in the household for which the individual has primary caregiving responsibility is unable to attend school or another facility that is closed as a direct result of the COVID–19 public health emergency and such school or facility care is required for the individual to work;

(ee) the individual is unable to reach the place of employment because of a quarantine imposed as a direct result of the COVID–19 public health emergency;  
(ff) the individual is unable to reach the place of employment because the individual has been advised by a health care provider to self-quarantine due to concerns related to COVID–19;  
(gg) the individual was scheduled to commence employment and does not have a job or is unable to reach the job as a direct result of the COVID–19 public health emergency;  
(hh) the individual has become the breadwinner or major support for a household because the head of the household has died as a direct result of COVID–19;  
(ii) the individual has to quit his or her job as a direct result of COVID–19;  
(jj) the individual’s place of employment is closed as a direct result of the COVID– 19 public health emergency; or  
(kk) the individual meets any additional criteria established by the Secretary for unemployment assistance under this section; or  
(ll) is self-employed, is seeking part-time employment, does not have sufficient work history, or otherwise would not qualify for regular unemployment or extended benefits under State or Federal law or pandemic emergency unemployment compensation under section 2107 and meets the requirements of subclause (l); and

(B) does not include—

(i) an individual who has the ability to telework with pay; or  
(ii) an individual who is receiving paid sick leave or other paid leave benefits, regardless of whether the individual meets a qualification described in items (aa) through (kk) of subparagraph (A)(i)(l).

(emphasis added).

The administrative law judge concludes that the claimant was overpaid \$205.00 in Pandemic Unemployment Assistance due to being paid the weekly PUA benefit twice for the week ending July 11, 2020.

**DECISION:**

The unemployment insurance decision dated December 6, 2021, (reference 01), is AFFIRMED. The claimant was overpaid \$205.00 in PUA benefits for the week ending July 11, 2021.

**REMAND:**

The matter of underpayment of PUA benefits to the claimant for the week ending May 9, 2020, is remanded to the Benefits Bureau for an initial investigation, determination, and payment.



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Carly Smith  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau

February 17, 2022  
Decision Dated and Mailed

cs/mh

*Note to Claimant:*

This decision determines you have been overpaid PUA 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/federal-unemployment-insurance-overpayment>. If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.

You may find additional information about food, housing, and other resources at <https://covidrecoveryiowa.org/> or at <https://dhs.iowa.gov/node/3250>