

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

ABBY J RYCKMAN
Claimant

APPEAL NO. 21A-UI-00752-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/15/20
Claimant: Appellant (1)

PL116-136, Sec. 2104(f)(2) – Overpayment of Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

On November 24, 2020, Abby Ryckman (claimant/appellant) appealed the November 13, 2020 (reference 03) decision that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation in the amount of \$5,400.00 for the nine weeks between March 29 and May 30, 2020, as a result of a disqualification decision.

A telephone hearing was held on February 10, 2021, pursuant to due notice. Claimant participated personally. The administrative law judge took official notice of the administrative record.

ISSUE:

Was the claimant overpaid Federal Pandemic Unemployment Compensation (FPUC)?

FINDINGS OF FACT:

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

The unemployment insurance system shows claimant received FPUC the amount of \$600.00 for a total of nine weeks, from the benefit week ending April 4, 2020 and continuing through the benefit week ending May 30, 2020. The total amount of FPUC paid to date is \$5,400.00.

Claimant was subsequently denied benefits in a decision dated June 26, 2020. That decision remains in force. See 21A-UI-00750-AD-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the November 13, 2020 (reference 03) decision that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation is **AFFIRMED**.

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, 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 unemployment insurance system shows claimant received FPUC the amount of \$600.00 for a total of nine weeks, from the benefit week ending April 4, 2020 and continuing through the benefit week ending May 30, 2020. The total amount of FPUC paid to date is \$5,400.00. Claimant was subsequently denied benefits in a decision dated June 26, 2020. That decision remains in force. See 21A-UI-00750-AD-T. Because the claimant is disqualified from receiving regular unemployment insurance (UI) benefits during the above period, she is also disqualified from receiving FPUC during that period. Claimant has therefore been overpaid FPUC in the amount of \$5,400.00.

The administrative law judge wishes to note that claimant may apply for a waiver of the remaining FPUC overpayment amount. For further information, call 888-848-7442 or visit <http://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment-and-recovery>.

DECISION:

The November 13, 2020 (reference 03) decision that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation is AFFIRMED.



Andrew B. Duffelmeyer
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

February 22, 2021
Decision Dated and Mailed

abd/ol

Note to Claimant:

If you disagree with this decision, you may file an appeal with the Employment Appeal Board by following the instructions on the first page of this decision. If this decision denies benefits, you may be responsible for paying back benefits already received.

Individuals who are disqualified from or are otherwise ineligible for **regular** unemployment insurance benefits but who are unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.