

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**ANTONIO TERRELL**  
Claimant

**APPEAL NO. 22R-UI-01605-JTT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 05/17/20**  
**Claimant: Appellant (4)**

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Public Law 116-136, §2104 – Federal Pandemic Unemployment Compensation Overpayment

**STATEMENT OF THE CASE:**

The claimant, Antonio Terrell, filed a timely appeal from the June 23, 2021, reference 06, decision that held he was overpaid \$7,800.00 in Federal Pandemic Unemployment Compensation (FPUC) for 13 weeks between April 26, 2020 and July 25, 2020, based on another June 23, 2021 overpayment decision that stated the claimant was not eligible for benefits for the affected period. After due notice was issued, a hearing was held on February 9, 2022. The claimant participated. There were four appeal numbers set for a consolidated hearing: 22R-UI-01603-JTT, 22R-UI-01604-JTT, 22R-UI-01605-JTT, and 22R-UI-01606-JTT. Exhibits A, B and C were received into evidence. The claimant waived the hearing notice defect in the present matter whereby citation to Public Law 116-136, §2104 was omitted from the hearing notice. Exhibit A is the July 2, 2021 online appeal. Exhibit B is the claimant's December 9, 2021 request for rehearing directed to the Employment Appeal Board in Hearing Number 21B-UI-15038. Exhibit C is the claimant's appeal form faxed to the Employment Appeal Board and received by the Employment Appeal Board on September 10, 2021 in Hearing Number 21B-UI-15038. The administrative law judge took official notice of the following Agency administrative records: DBIN, KPYX, KCCO, NMRO, the reference 03 through 07 decisions, and the Claim Detail documenting a January 23, 2021 decision denying Pandemic Unemployment Assistance (PUA) benefits.

**ISSUE:**

Whether the claimant was overpaid \$7,800.00 in Federal Pandemic Unemployment Compensation (FPUC) for 13 weeks between April 26, 2020 and July 25, 2020, based on another June 23, 2021 overpayment decision that stated the claimant was not eligible for benefits for the affected period.

**FINDINGS OF FACT:**

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

The claimant, Antonio Terrell, established an original claim for benefits that was effective May 17, 2020. Iowa Workforce Development set the weekly benefit amount for regular benefits at \$347.00. The claimant received regular benefits that included \$3,822.00 in regular benefits

for the 12 weeks between May 27, 2020 and August 8, 2020. The claimant also received \$6,000.00 in Federal Pandemic Unemployment Compensation (FPUC) benefits for the 10 weeks between May 17, 2020 and July 25, 2020. The claimant did not receive FPUC benefits for the period prior to May 17, 2020. The claimant's eligibility for the FPUC benefits during the period of May 17, 2020 through July 25, 2020 depended on his eligibility for regular benefits for that period. The claimant also received \$600.00 in Lost Wages Assistance Payments (LWAP) benefits for the two weeks between July 26, 2020 and August 8, 2020. The claimant's eligibility for the LWAP benefits during that period depended on his eligibility for regular benefits for that period.

On August 14, 2020 Iowa Workforce Development Benefits Bureau entered a reference 03 decision that denied benefits effective May 17, 2020, based on the deputy's conclusion that the claimant requested and was granted a leave of absence, was voluntarily unemployed, and was not available for work. The reference 03 decision prompted the overpayment decision from which the claimant appeals in the present matter. The reference 03 decision has been affirmed in Appeal Number 22R-UI-01603-JTT, based on an untimely appeal from the reference 03 decision. The reference 03 decision remains in effect for the period of May 17, 2020 through December 12, 2020.

On January 23, 2021, Iowa Workforce Development denied the claimant's request for Pandemic Unemployment Assistance (PUA) benefits.

On June 23, 2021, Iowa Workforce Development Benefits Bureau entered a reference 05 decision that held the claimant was overpaid \$3,822.00 in regular benefits for the period of May 17, 2020 through August 8, 2020. The reference 05 decision has been affirmed in Appeal Number 22R-UI-01604-JTT.

#### **REASONING AND CONCLUSIONS OF LAW:**

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.

(3) Recovery by state agency —

(A) In general.—The State agency shall recover the amount to be repaid, or any part thereof, by deductions from any Federal Pandemic Unemployment Compensation payable to such individual or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the Federal Pandemic Unemployment Compensation to which they were not entitled, in accordance with the same procedures as apply to the recovery of overpayments of regular unemployment benefits paid by the State.

(B) Opportunity for hearing.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(4) Review.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

Because the reference 03 decision denied benefits and continues in effect concerning the period between May 17, 2020 and December 12, 2020, the \$6,000.00 in FPUC benefits the claimant received for 10 weeks between May 17, 2020 and July 25, 2020 is an overpayment of benefits. The claimant must repay the overpaid FPUC benefits unless the claimant applies for and is approved for waiver of repayment of FPUC benefits. See below.

**DECISION:**

The June 23, 2021, reference 05, decision is modified in favor of the claimant/appellant as follows. The claimant was overpaid \$6,000.00 in FPUC benefits the claimant received for 10 weeks between May 17, 2020 and July 25, 2020, due to the August 14, 2020, reference 03, decision that denied benefits effective May 17, 2020. The claimant must repay the overpaid FPUC benefits unless the claimant applies for and is approved for waiver of repayment of FPUC benefits. See below.



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James E. Timberland  
Administrative Law Judge

March 7, 2022  
Decision Dated and Mailed

jet/mh

*Note to Claimant:* This decision determines you have been overpaid FPUC 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>. If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.