

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JEROME E BAILEY
Claimant

APPEAL 21A-UI-20630-SC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 03/28/21
Claimant: Appellant (4)**

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

STATEMENT OF THE CASE:

On September 17, 2021, Jerome E. Bailey (claimant) appealed an unemployment insurance decision dated September 8, 2021, reference 04, which concluded he was overpaid \$4,500.00 in Federal Pandemic Unemployment Compensation (FPUC) for the fifteen-week period between March 28 and July 10, 2021. A telephone hearing was held on November 8, 2021. No exhibits were admitted into the record. The administrative law judge took official notice of the administrative record, specifically the claimant's claim history and prior unemployment insurance decision.

ISSUE:

Has the claimant been overpaid FPUC?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of March 28, 2021. The claimant filed for and received a total of \$3,300.00 in FPUC for the eleven weeks between March 28 and June 12, 2021, which is the last week the state of Iowa was authorized to issue federal benefits under the CARES Act.

The unemployment insurance decision that allowed the claimant to receive unemployment insurance benefits was reversed on August 17, 2021, by an administrative law judge in the decision for appeal 21A-UI-13712-B2-T. That decision concluded the claimant had been overpaid \$3,300.00 in FPUC. The claimant did not appeal that decision to the Employment Appeal Board (EAB) and, at this time, it has become final agency action.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant was overpaid \$3,300.00 in FPUC, which must be repaid.

PL116-136, Sec. 2104(b) and (f) provide, in relevant part:

EMERGENCY INCREASE IN UNEMPLOYMENT COMPENSATION BENEFITS.

(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...

Since the claimant is not eligible for regular unemployment benefits, he was overpaid \$3,300.00 in FPUC for the eleven-week period between March 28 and June 12, 2021. The agency did not issue FPUC payments to the claimant between June 13 and July 10, 2021, and he is not overpaid FPUC for those weeks. The claimant will be required to repay the benefits received unless this decision is overturned or he is eligible to have the overpayment waived.

DECISION:

The unemployment insurance decision dated September 8, 2021, reference 04, is modified in favor of the claimant. The claimant was only overpaid \$3,300.00 in FPUC for the eleven-week period between March 28 and June 12, 2021. The agency did not issue FPUC payments to the claimant between June 13 and July 10, 2021, and he is not overpaid FPUC for those weeks.



Stephanie R. Callahan
Administrative Law Judge

November 17, 2021
Decision Dated and Mailed

src/kmj

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-and-recovery>. If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.