

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

68-0157 (9-06) - 3091078 - EI

NDIKUMAGENGE ZACHARIA
Claimant

APPEAL NO: 21A-UI-04404-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/22/20
Claimant: Appellant (4)

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
PL116-136, Sec. 2104 – Federal Pandemic Unemployment Compensation (FPUC)

STATEMENT OF THE CASE:

The claimant/appellant (Ndikumagenge Zacharia) filed an appeal from the January 21, 2021, (reference 06) unemployment insurance decision that concluded he was overpaid \$4,800.00 in FPUC benefits. After proper notice, a telephone hearing was conducted on April 8, 2021. The hearing was held together with Appeal 21A-UI-04403-JC-T. The claimant participated personally and with a Kirundi interpreter from CTS Language Link. Official notice of the administrative records was taken.

ISSUE:

Is 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 claimant filed a new claim for unemployment insurance benefits with an effective date of March 22, 2020. His weekly benefit amount (WBA) is \$367.00.

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been modified in a decision of the administrative law judge in appeal 20A-UI-09117-JC-T. The administrative law judge concluded claimant may be eligible for benefits for weeks that he was totally or partially unemployed, based upon earnings reported. Claimant earned \$13.00 per hour. Claimant reported \$32.00 in wages each week for the week ending March 28, 2020 and April 4, 2020. Claimant reported \$265.00 for the week ending June 27, 2020. Claimant otherwise reported \$0 in wages.

The claimant received federal unemployment insurance benefits through Federal Pandemic Unemployment Compensation (FPUC). Claimant received \$7,800.00 in federal benefits for the period of March 29, 2020 and June 27, 2020.

The employer reported the claimant's actual hours and wages worked as follows:

Week	Hours Worked	Total Wages
03/22/20-03/28/20	32 hours	\$416
03/29/20-4/4/20	32 hours	\$416
04/05/20-04/11/20	0 hours	\$0
04/12/20-04/18/20	0 hours	\$0
04/19/20-04/25/20	40 hours	\$520
04/26/20-05/02/20	32 hours	\$416
05/03/20-05/09/20	0 hours	\$0
05/10/20- 05/16/20	32 hours	\$416
05/17/20- 05/23/20	32 hours	\$416
05/24/20-05/30/20	0 hours	\$0
05/31- 06/06/20	40 hours	\$520
06/07/20- 06/13/20	40 hours	\$520
06/14/20-06/20/20	0 hours	\$0
06/21/20- 06/27/20	24 hours	\$312

Claimant does not dispute employer's reporting of hours worked/wages earned.

IWD issued the reference 06 decision dated January 21, 2021, which established an overpayment of Federal Pandemic Unemployment Compensation (FPUC) benefits in the amount of \$4,800.00 for weeks he was not entitled to regular benefits between March 29, 2020 and June 27, 2020.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was overpaid FPUC benefits.

Iowa Code section 96.3(7) provides, in pertinent part:

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.

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...

For any week that claimant is not eligible for any regular unemployment insurance benefits, he is also not eligible for FPUC benefits. (See 21A-UI-04403-JC-T for details of claimant's regular overpayment calculations).

Week	Benefits Entitled	Regular Overpayment	FPUC paid	FPUC Overpayment
03/22/20-03/28/20	\$0	\$367	\$0	\$0
03/29/20-04/04/20	\$0	\$367	\$600	\$600
04/05/20-04/11/20	\$367	\$0	\$600	\$0
04/12/20-04/18/20	\$367	\$0	\$600	\$0
04/19/20-04/25/20	\$0	\$367	\$600	\$600
04/26/20-05/02/20	\$0	\$367	\$600	\$600
05/03/20-05/09/20	\$367	\$0	\$600	\$0
05/10/20-05/16/20	\$0	\$367	\$600	\$600
05/17/20-05/23/20	\$0	\$367	\$600	\$600
05/24/20-05/30/20	\$367	\$0	\$600	\$0
05/31/20-06/06/20	\$0	\$367	\$600	\$600
06/07/20-06/13/20	\$0	\$367	\$600	\$600
06/14/20-06/20/20	\$367	\$0	\$600	\$0
06/21/20-06/27/20	\$147	\$46	\$600	\$0

As referenced in the chart above, the claimant is disqualified from receiving regular unemployment insurance (UI) benefits for seven weeks he also received FPUC benefits. Accordingly, this also disqualifies claimant from receiving Federal Pandemic Unemployment

Compensation (FPUC). The claimant was overpaid \$4,200.00 in Federal Pandemic Unemployment Compensation (FPUC).

This decision determines you have been overpaid FPUC under the CARES Act. 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.

DECISION:

The unemployment insurance decision dated January 21, 2021, (reference 06), is modified in favor of the claimant/appellant. The claimant was overpaid \$4,200.00 in Federal Pandemic Unemployment Compensation (FPUC).



Jennifer L. Beckman
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax 515-478-3528

April 13, 2021
Decision Dated and Mailed

jlb/scn

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.

Individuals who do not qualify for regular unemployment insurance benefits, but who are currently 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 under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.

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