

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

DEREK A RYAN
Claimant

APPEAL NO. 20A-UI-13818-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 12/22/19
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the November 3, 2020 (reference 03) decision that held he was overpaid \$1,200.00 in Federal Pandemic Unemployment Compensation (FPUC) for the two weeks between April 12, 2020 and April 25, 2020, based on a June 11, 2020 decision that denied benefits. After due notice was issued, a hearing was held on January 4, 2021. The claimant participated. The hearing in this matter was consolidated with the hearing in Appeal Numbers 20A-UI-13816-JTT and 20A-UI-13817-JTT. Exhibits A through G were received into evidence. The Administrative Law Judge took official notice of the following agency administrative records: DBIN, KPYX and KCCO.

ISSUES:

Whether the claimant was overpaid was overpaid \$1,200.00 in Federal Pandemic Unemployment Compensation (FPUC) for the two weeks between April 12, 2020 and April 25, 2020, based on a June 11, 2020 decision that denied benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: the claimant established an original claim for benefits that was effective December 22, 2019 and an additional claim for benefits that was effective April 12, 2020. In connection with the additional claim, the claimant made a weekly claim for the week that ended April 18, 2020 and for the week that ended April 25, 2020. The claimant received regular unemployment insurance \$1,090.00 in regular benefits and \$1,200.00 in Federal Pandemic Unemployment Compensation (FPUC) for the two-week period.

On June 12, 2020, an Iowa Workforce Development Benefits Bureau deputy entered a reference 01 decision that denied benefits effective April 12, 2020, based on the deputy's conclusion that the claimant requested and was granted a leave of absence, was voluntarily unemployed, and was unavailable for work. The June 12, 2020, reference 01, decision prompted the overpayment decision from which the claimant appeals in the present matter. The reference 01 decision has been affirmed in Appeal Number 20A-UI-13816-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...

Though the November 3, 2020 (reference 023) overpayment decision makes reference to a decision dated June 11, 2020 that denied benefits, the disqualification decision in question was actually the June 12, 2020 (reference 01) decision denied benefits effective April 19, 2020. Because that disqualification decision has been affirmed on appeal, the \$1,200.00 in FPUC benefits the claimant received for the period of April 12, 2020 through April 25, 2020, is an overpayment of benefits that the claimant must repay.

DECISION:

The November 3, 2020 (reference 03) decision is affirmed. The was overpaid \$1,200.00 in Federal Pandemic Unemployment Compensation (FPUC) for the two weeks between April 12, 2020 and April 25, 2020. The claimant must repay the overpaid benefits.



James E. Timberland
Administrative Law Judge

January 22, 2021
Decision Dated and Mailed

jet/scn