

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

REBECA AYALA MAGANA
Claimant

APPEAL 21A-UI-22201-AR-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04/05/20
Claimant: Appellant (2)

PL 116-136, Sec. 2107 – Federal Pandemic Emergency Unemployment Compensation

STATEMENT OF THE CASE:

On October 7, 2021, claimant, Rebeca Ayala Magana, filed an appeal from the September 30, 2021, (reference 05) unemployment insurance decision that determined claimant had been overpaid Pandemic Emergency Unemployment Compensation (PEUC) benefits in the amount of \$1,220.00, for the four-week period ending October 31, 2020. Claimant was properly notified of the hearing. Appeal number 21A-UI-22200-AR-T was heard together and created one record. A telephone hearing was held on December 1, 2021. Claimant participated personally. The administrative law judge took official notice of the administrative record. CTS Language Link provided language services for the claimant.

ISSUE:

Is the claimant overpaid PEUC benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The decision that disqualified claimant from receiving PEUC (and resulted in the overpayment) has been reversed (see appeal 21A-UI-22200-AR-T).

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes:

PL 116-136 Sec 2107 provides in pertinent part:

PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) FEDERAL-STATE AGREEMENTS. –

...

(2) PROVISIONS OF AGREEMENT. —Any agreement under paragraph (1) shall provide that the State agency of the State will make payments of pandemic emergency unemployment compensation to individuals who—

(A) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before July 1, 2019);

(B) have no rights to regular compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law;

(C) are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

(D) are able to work, available to work, and actively seeking work.

...

(e) FRAUD AND OVERPAYMENTS.—

...

(2) REPAYMENT.—In the case of individuals who have received amounts of pandemic emergency unemployment compensation under this section to which they were not entitled, the State shall require such individuals to repay the amounts of such pandemic emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(A) the payment of such pandemic emergency 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 decision that denied claimant PEUC benefits has been reversed. Because claimant is eligible for PEUC, claimant was entitled to receive PEUC benefits. Claimant is not overpaid PEUC benefits.

DECISION:

The September 30, 2021 (reference 05) unemployment insurance decision is reversed. Claimant has not been overpaid PEUC benefits.



Alexis D. Rowe
Administrative Law Judge

January 6, 2022
Decision Dated and Mailed

ar/scn