

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**TARA L BALDWIN**  
Claimant

**APPEAL 21A-UI-04318-AW-T**  
**ADMINISTRATIVE LAW JUDGE**  
**DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 03/29/20**  
**Claimant: Appellant (1)**

PL 116-136, Sec. 2104 – Federal Pandemic Unemployment Compensation

**STATEMENT OF THE CASE:**

Claimant filed an appeal from the March 11, 2021 (reference 06) unemployment insurance decision that found claimant was overpaid Federal Pandemic Unemployment Compensation (FPUC) benefits. Claimant was properly notified of the hearing. A telephone hearing was held on April 6, 2021, at 2:00 p.m. Claimant participated. No exhibits were admitted. Official notice was taken of the administrative record.

**ISSUE:**

Whether claimant is overpaid FPUC benefits.

**FINDINGS OF FACT:**

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

Claimant filed for and has received FPUC benefits in the gross amount of \$7,800.00 for the 13-week period between March 29, 2020 and June 27, 2020 for the benefit year beginning March 29, 2020 in 10 payments deposited onto claimant's IWD debit card between May 6, 2020 and November 4, 2020.

Claimant filed for and has received FPUC benefits in the gross amount of \$7,800.00 for the 13-week period between March 29, 2020 and June 27, 2020 for the benefit year beginning January 20, 2019 in one payment deposited directly into claimant's bank account on February 19, 2021.

**REASONING AND CONCLUSIONS OF LAW:**

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

PL 116-136, 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.

Individuals are entitled to FPUC in the amount of \$600.00 per week as outlined in paragraph (b)(1)(B) above. In this case, claimant has received FPUC benefits for the 13 weeks between March 29, 2020 and June 27, 2020 under two different benefit years; therefore, claimant received double FPUC benefits (\$1,200.00 per week). Accordingly, claimant has received FPUC benefits to which she was not entitled. The administrative law judge concludes that claimant has been overpaid FPUC benefits in the amount \$7,800.00. Those benefits must be recovered in accordance with Iowa law.

#### **DECISION:**

The March 11, 2021 (reference 06) unemployment insurance decision is affirmed. Claimant has been overpaid FPUC benefits in the amount of \$7,800.00, which must be repaid.



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Adrienne C. Williamson  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
Iowa Workforce Development  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515)478-3528

April 12, 2021  
Decision Dated and Mailed

acw/ol

**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.