

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ADELE C BINNI
Claimant

APPEAL 21A-UI-20680-AR-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

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

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

STATEMENT OF THE CASE:

On September 16, 2021, claimant, Adele C. Binni, filed an appeal from the September 11, 2021, (reference 03) unemployment insurance decision that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation (FPUC) benefits in the amount of \$7,200.00 for the 24-week period ending June 5, 2021. After due notice was issued, a hearing was held on Monday, November 15, 2021, and was held together with appeal 21A-UI-20672-AR-T, 21A-UI-20675-AR-T, and 21A-UI-20677-AR-T. Claimant participated personally. The administrative law judge took official notice 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: The decision that disqualified claimant from receiving PEUC, and, thus, FPUC benefits (and resulted in the overpayment) has been reversed (see appeal 21A-UI-20675-AR-T).

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes claimant was not overpaid FPUC benefits.

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.

Because claimant's separation was not disqualifying, claimant was entitled to receive FPUC benefits. The administrative law judge concludes that claimant was not overpaid FPUC benefits.

DECISION:

The September 11, 2021 (reference 03) unemployment insurance decision is reversed. Claimant was not overpaid FPUC benefits.



Alexis D. Rowe
Administrative Law Judge

December 22, 2021
Decision Dated and Mailed

ar/mh