

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JASON R ARMSTRONG
Claimant

APPEAL NO. 22A-UI-01109-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

IOWA WORKFORCE DEVELOPMENT

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

Public Law 116-136, §2104 – Federal Pandemic Unemployment Assistance

STATEMENT OF THE CASE:

The claimant, Jason Armstrong, filed a timely appeal from the December 7, 2021, reference 02, decision that held the claimant was overpaid \$600.00 in Federal Pandemic Unemployment Compensation (FPUC) for the week that ended July 11, 2020 due to a duplicate FPUC payment being issued to the claimant for that week. After due notice was issued, a hearing was held on February 3, 2022. The claimant participated. The hearing in this matter was consolidated with the hearing in Appeal Number 22A-UI-01108-JTT. Exhibit A was received into evidence. The administrative law judge took official notice of the following Agency administrative records: DBIN, KCCO, KPY1, KPYX, and the Claim Detail regarding the PUA Allowance.

ISSUE:

Whether the claimant was overpaid \$600.00 in Federal Pandemic Unemployment Compensation (FPUC) for the week that ended July 11, 2020 due to a duplicate FPUC payment being issued to the claimant for that week.

FINDINGS OF FACT:

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

The claimant attempted to establish an original claim effective March 29, 2020. Iowa Workforce Development denied regular benefits due to insufficient base period wages. The claimant applied for Pandemic Unemployment Assistance (PUA) benefits. Iowa Workforce Development approved \$203.00 in weekly PUA benefits for the period beginning March 15, 2020. The claimant received PUA benefits that included PUA benefits for the week that ended July 11, 2020. On January 14, 2020, Iowa Workforce Development issued payment of \$203.00 in PUA benefits for the week that ended July 11, 2020. On July 15, 2020, IWD issued a second, duplicate \$203.00 PUA payment for the week that ended July 11, 2020. The relevant PUA payments appear in the IWD records as follows:

DRF-ISSUED	NET-PAID	PAY-METHOD	LAST-BWED	CHILD-SP	INCOME-TAX-WITHHELD		
					FEDERAL	IOWA	YEAR
06/03/2020	1380.40	DIRECT-DEP	05/30/2020	0.00	162.40	81.20	2020
06/09/2020	172.55	DIRECT-DEP	06/06/2020	0.00	20.30	10.15	2020
06/16/2020	172.55	DIRECT-DEP	06/13/2020	0.00	20.30	10.15	2020
06/22/2020	517.65	DIRECT-DEP	04/04/2020	0.00	60.90	30.45	2020
06/23/2020	172.55	DIRECT-DEP	06/20/2020	0.00	20.30	10.15	2020
06/30/2020	172.55	DIRECT-DEP	06/27/2020	0.00	20.30	10.15	2020
07/07/2020	172.55	DIRECT-DEP	07/04/2020	0.00	20.30	10.15	2020
07/14/2020	172.55	DIRECT-DEP	07/11/2020	0.00	20.30	10.15	2020
07/15/2020	172.55	DIRECT-DEP	07/11/2020	0.00	20.30	10.15	2020
07/21/2020	172.55	DIRECT-DEP	07/18/2020	0.00	20.30	10.15	2020
07/28/2020	172.55	DIRECT-DEP	07/25/2020	0.00	20.30	10.15	2020

In connection with the PUA benefits paid for the week that ended July 11, 2020, IWD also issued Federal Pandemic Unemployment Compensation (FPUC) benefits. On January 14, 2020, Iowa Workforce Development issued payment of \$600.00 in FPUC benefits for the week that ended July 11, 2020. On July 15, 2020, IWD issued a second, duplicate \$600.00 PUA payment for the week that ended July 11, 2020. The relevant FPUC payments appear in the IWD records as follows:

DRF-ISSUED	NET-PAID	PAY-METHOD	LAST-BWED	CHILD-SP	INCOME-TAX-WITHHELD		
					FEDERAL	IOWA	YEAR
06/03/2020	4080.00	DIRECT-DEP	05/30/2020	0.00	480.00	240.00	2020
06/09/2020	510.00	DIRECT-DEP	06/06/2020	0.00	60.00	30.00	2020
06/16/2020	510.00	DIRECT-DEP	06/13/2020	0.00	60.00	30.00	2020
06/22/2020	510.00	DIRECT-DEP	04/04/2020	0.00	60.00	30.00	2020
06/23/2020	510.00	DIRECT-DEP	06/20/2020	0.00	60.00	30.00	2020
06/30/2020	510.00	DIRECT-DEP	06/27/2020	0.00	60.00	30.00	2020
07/07/2020	510.00	DIRECT-DEP	07/04/2020	0.00	60.00	30.00	2020
07/14/2020	510.00	DIRECT-DEP	07/11/2020	0.00	60.00	30.00	2020
07/15/2020	510.00	DIRECT-DEP	07/11/2020	0.00	60.00	30.00	2020
07/21/2020	510.00	DIRECT-DEP	07/18/2020	0.00	60.00	30.00	2020
07/28/2020	510.00	DIRECT-DEP	07/25/2020	0.00	60.00	30.00	2020

The claimant received the PUA and FPUC benefits in question. The payments issued for the week that ended July 11, 2020 pertained only to that week and were not retroactive payments for an earlier week. Prior to the week of July 5-11, 2020, the claimant had been paid all appropriate PUA benefits for the period beginning March 15, 2020 and all appropriate FPUC benefits for the period beginning March 29, 2020, the earliest day for which FPUC benefit could be paid.

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, 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.

(3) Recovery by state agency —

(A) In general.—The State agency shall recover the amount to be repaid, or any part thereof, by deductions from any Federal Pandemic Unemployment Compensation payable to such individual or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the Federal Pandemic Unemployment Compensation to which they were not entitled, in accordance with the same procedures as apply to the recovery of overpayments of regular unemployment benefits paid by the State.

(B) Opportunity for hearing.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(4) Review.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

The evidence in the record establishes that the claimant was indeed overpaid \$600.00 in FPUC benefits for the week that ended July 11, 2020, due to IWD making an erroneous, duplicate FPUC payment for that week. The claimant must repay the overpaid FPUC benefits unless the claimant applies for and is approved for waiver of repayment of FPUC benefits. See below.

DECISION:

The December 7, 2021, reference 02, decision is affirmed. The claimant was overpaid \$600.00 in Federal Pandemic Unemployment Compensation (FPUC) for the week that ended July 11, 2020 due to an erroneous, duplicate FPUC payment being issued to the claimant for that week. The claimant must repay the overpaid FPUC benefits unless the claimant applies for and is approved for waiver of repayment of FPUC benefits. See below.



James E. Timberland
Administrative Law Judge

February 23, 2022
Decision Dated and Mailed

jet/mh

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>. If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.