

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

SHARON R BELL
Claimant

APPEAL 21A-UI-19554-S2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 05/31/20
Claimant: Appellant (2R)

PL116-136, Sec. 2104(f)(2) – Overpayment of Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

On September 1, 2021, the claimant appealed the August 24, 2021, (reference 04) decision that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation (FPUC) benefits for six weeks ending September 5, 2020, as a result of a disqualification decision. A telephone hearing was held on October 26, 2021, pursuant to due notice, and was consolidated with the hearing for appeal 21A-UI-19552-S2-T. Claimant participated personally and was represented by Rossi Frith. The administrative law judge took official notice of the administrative record.

ISSUE:

The issue is whether the claimant is overpaid FPUC benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: On November 20, 2020, Iowa Workforce Development (IWD) issued a decision (reference 01) that denied claimant regular state unemployment insurance (UI) benefits effective May 31, 2020. Claimant appealed that decision and that decision was modified in favor of the claimant by an administrative law judge who found that claimant did not have reasonable assurance of returning to work the following academic year or term until July 23, 2020. See 21A-UI-00711-CL-T. The matter of whether claimant was able to and available for work was remanded for a decision. On May 3, 2021, Iowa Workforce Development (IWD) issued a decision (reference 02) that denied claimant regular state unemployment insurance (UI) benefits effective May 31, 2020. Claimant appealed that decision, and an administrative law judge reversed that decision and found claimant able to and available for benefits between May 31, 2020 and July 25, 2020. See 21A-UI-12296-CS-T. Claimant received UI benefits and FPUC benefits during the period she was found to be eligible. Claimant did not receive any FPUC benefits effective July 26, 2020. She did receive Lost Wages Assistance Program (LWAP) benefits for the six weeks ending September 5, 2020.

There has been no initial investigation or decision regarding the issue of LWAP overpayment.

REASONING AND CONCLUSIONS OF LAW:

For the following reasons the administrative law judge concludes the claimant was not overpaid FPUC benefits for the period in question.

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...

The decision that denied claimant regular unemployment insurance benefits effective July 26, 2020, remains in effect. However, claimant did not receive any FPUC benefits effective July 26, 2020. As such, claimant was not overpaid FPUC benefits for the six weeks ending September 5, 2020.

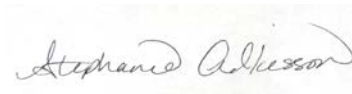
The issue of whether the claimant was overpaid LWAP benefits shall be remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

DECISION:

The August 24, 2021 (reference 04) decision is reversed. Claimant was not overpaid FPUC benefits for the six week period ending September 5, 2020, as she did not receive any FPUC benefits during that period.

REMAND:

The issue of whether the claimant was overpaid LWAP benefits is remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.



Stephanie Adkisson
Administrative Law Judge

November 9, 2021
Decision Dated and Mailed

sa/scn