

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RORY MCINTYRE
Claimant

APPEAL 22A-UI-00045-JD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04/26/20
Claimant: Appellant (2R)

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

STATEMENT OF THE CASE:

On November 18, 2021, the claimant, Rory McIntyre, appealed the November 15, 2021, (reference 03) decision that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation (“FPUC”) benefits in the amount of \$1,800.00 for the three-week period ending June 6, 2020. A telephone hearing was held at 11:10 a.m. on January 20, 2022, pursuant to due notice. The claimant, Rory McIntyre, participated. The administrative law judge took official notice of the administrative record.

Based on the evidence, the arguments of the claimant, and the law, the following findings of fact, reasoning and conclusions of law, and decision are entered.

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 unemployment insurance benefits and, thus, FPUC benefits (and resulted in the overpayment) has been modified in favor of the appellant. See 22A-UI-00042-JD-T.

REASONING AND CONCLUSIONS OF LAW:

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

Public Law 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.

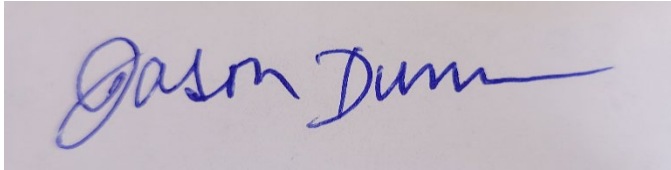
Since the decision disqualifying the claimant has been modified in the claimant/appellant's favor and remanded to the Benefits Bureau for a redetermination of claimant's benefits utilizing only wages from his full-time employer, Nichols Aluminum. The overpayment decision is reversed. If any future overpayments are determined after the claimant's benefits have been redetermined then a new overpayment decision shall be generated, and the claimant shall have an opportunity for due process on that overpayment decision.

DECISION:

The November 15, 2021 (reference 03) unemployment insurance decision is reversed. Claimant the underlying reference 01 decision determined on February 16, 2021, (reference 01) has been modified in favor of the appellant and renders the overpayment decision in this appeal moot.

REMAND:

Whether the claimant is overpaid benefits consistent with the remand in appeal 22A-UI-00042-JD-T is remanded to the Benefits Bureau for review.



Jason Dunn
Administrative Law Judge
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February 11, 2022
Decision Dated and Mailed

jd/scn