

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JODY L NOWACHEK
Claimant

APPEAL NO. 22A-UI-01363-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 02/23/20
Claimant: Appellant (1)

Iowa Code § 96.3(7) - Recovery of Benefit Overpayment
PL 116-136, Sec. 2102 – Pandemic Unemployment Assistance

STATEMENT OF THE CASE:

On December 16, 2021, Jody Nowachek (claimant/appellant) appealed the decision dated December 9, 2021 (reference 01) that concluded the claimant was overpaid Pandemic Unemployment Assistance (PUA) in the amount of \$203.00 for the week ending July 11, 2020 due to a duplicate payment being issued in error.

A telephone hearing was held on February 7, 2022, pursuant to due notice. Claimant participated personally. Claimant waived notice of Iowa Code Section 96.3(7). Claimant's Exhibit 1 was admitted. The administrative law judge took official notice of the administrative record.

ISSUE:

Was the claimant overpaid Pandemic Unemployment Assistance (PUA)?

FINDINGS OF FACT:

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

The administrative record shows claimant was allowed PUA in the gross amount of \$203.00 per week. Claimant received two PUA payments in the gross amount of \$203.00 each for the week ending July 11, 2020. Claimant also received two Federal Pandemic Unemployment Compensation (FPUC) payments in the gross amount of \$600.00 each in that week.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the decision dated December 9, 2021 (reference 01) that concluded the claimant was overpaid Pandemic Unemployment Assistance (PUA) in the amount of \$203.00 for the week ending July 11, 2020 due to a duplicate payment being issued in error is **AFFIRMED**.

Iowa Code section 96.3(7) provides, in pertinent part:

7. Recovery of overpayment of benefits.

a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

b. (1) (a) If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The Pandemic Unemployment Assistance program provides for weekly unemployment benefit assistance to any covered individual for any weeks beginning on or after January 27, 2020 and ending on or before December 31, 2020, during which the individual is unemployed, partially unemployed, or unable to work due to COVID-19. That period was subsequently extended through the week ending September 4, 2021. See American Rescue Plan Act of 2021. Iowa ended its participation in the program effective June 12, 2021.

Public Law 116-136, Sec. 2102 provides in relevant part:

(h) RELATIONSHIP BETWEEN PANDEMIC UNEMPLOYMENT ASSISTANCE AND DISASTER UNEMPLOYMENT ASSISTANCE.—Except as otherwise provided in this section or to the extent there is a conflict between this section and section 625 of title 20, Code of Federal Regulations, such section 625 shall apply to this section as if—

(1) the term “COVID–19 public health emergency” were substituted for the term “major disaster” each place it appears in such section 625; and

(2) the term “pandemic” were substituted for the term “disaster” each place it appears in such section 625.

20 CFR Sec. 625.14 provides in relevant part:

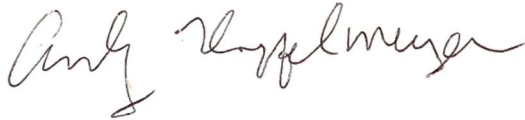
(a) Finding and repayment. If the State agency of the applicable State finds that an individual has received a payment of DUA to which the individual was not entitled under the Act and this part, whether or not the payment was due to the individual's fault or misrepresentation, the individual shall be liable to repay to the applicable State the total sum of the payment to which the individual was not entitled, and the State agency shall take all reasonable measures authorized under any State law or Federal law to recover for the account of the United States the total sum of the payment to which the individual was not entitled.

The administrative record shows claimant was allowed PUA in the gross amount of \$203.00 per week. Claimant received two PUA payments in the gross amount of \$203.00 each for the week ending July 11, 2020. Claimant also received two Federal Pandemic Unemployment Compensation (FPUC) payments in the gross amount of \$600.00 each in that week.

Because claimant received PUA payments twice in the benefit week ending July 11, 2020 she has been overpaid PUA in the gross amount of \$203.00.

DECISION:

The decision dated December 9, 2021 (reference 01) that concluded the claimant was overpaid Pandemic Unemployment Assistance (PUA) in the amount of \$203.00 for the week ending July 11, 2020 due to a duplicate payment being issued in error is AFFIRMED.



Andrew B. Duffelmeyer
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

February 24, 2022
Decision Dated and Mailed

abd/abd

Note to Claimant:

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.

If this decision determines you have been overpaid federal pandemic-related benefits you may request a waiver of the overpayment. Instructions for requesting a waiver 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.