

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**KAREN D TABER**  
Claimant

**APPEAL 21A-UI-02773-DB-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 03/15/20**  
**Claimant: Appellant (4)**

Iowa Code § 96.3(7) – Overpayment of Benefits  
PL 116-136 Sec 2104 – Federal Pandemic Unemployment Compensation

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the February 1, 2021 (reference 06) unemployment insurance decision that found claimant was overpaid Federal Pandemic Unemployment Compensation (FPUC) benefits in the amount of \$10,200.00 for seventeen weeks between March 29, 2020 and July 25, 2020. The claimant was properly notified of the hearing. A telephone hearing was held on March 11, 2021. The claimant participated personally. Claimant's Exhibits A, B, C, D, E, and F were admitted. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records. The hearing was consolidated with Appeal No. 21A-UI-02764-DB-T; 21A-UI-02767-DB-T; 21A-UI-02770-DB-T; 21A-UI-02762-DB-T; and 21A-UI-02776-DB-T.

**ISSUE:**

Is the claimant overpaid FPUC benefits from March 29, 2020 through July 25, 2020?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant started working for this employer in the Fall of 1998. She has worked as an on-call substitute teacher beginning on October 2, 2014 and continues to work for the employer in that same capacity. Claimant filed her original claim for unemployment insurance benefits effective March 15, 2020. Claimant's established weekly-benefit amount was \$180.00. Claimant filed an additional claim for benefits effective November 22, 2020. Claimant's administrative records establish that her base period included the following on-call wages with an educational institution:

	2018/4	2019/1	2019/2	2019/3
Ames Community School District	\$4,160.00	\$2,970.00	\$3,255.00	\$840.00

Claimant's administrative records establish that she filed weekly-continued claims for benefits for the following weeks and was paid the following amounts in regular unemployment insurance benefits:

Week-ending March 21, 2020	Paid \$180.00 in regular benefits
Week-ending March 28, 2020	Paid \$180.00 in regular benefits

Week-ending April 4, 2020	Paid \$180.00 in regular benefits
Week-ending April 11, 2020	Paid \$180.00 in regular benefits
Week-ending April 18, 2020	Paid \$180.00 in regular benefits
Week-ending April 25, 2020	Paid \$180.00 in regular benefits
Week-ending May 2, 2020	Paid \$180.00 in regular benefits
Week-ending May 9, 2020	Paid \$180.00 in regular benefits
Week-ending May 16, 2020	Paid \$180.00 in regular benefits
Week-ending May 23, 2020	Paid \$180.00 in regular benefits
Week-ending May 30, 2020	Paid \$180.00 in regular benefits
Week-ending June 6, 2020	Paid \$180.00 in regular benefits
Week-ending June 13, 2020	Paid \$180.00 in regular benefits
Week-ending June 20, 2020	Paid \$180.00 in regular benefits
Week-ending June 27, 2020	Paid \$180.00 in regular benefits
Week-ending July 4, 2020	Paid \$180.00 in regular benefits
Week-ending July 11, 2020	Paid \$180.00 in regular benefits
Week-ending July 18, 2020	Paid \$180.00 in regular benefits
Week-ending July 25, 2020	Paid \$180.00 in regular benefits
Week-ending August 1, 2020	Paid \$180.00 in regular benefits
Week-ending August 8, 2020	Paid \$141.67 in regular benefits
Week-ending August 15, 2020	Paid \$180.00 in PEUC benefits
Week-ending August 22, 2020	Paid \$180.00 in PEUC benefits
Week-ending August 29, 2020	Paid \$180.00 in PEUC benefits
Week-ending September 5, 2020	Paid \$180.00 in PEUC benefits
Week-ending September 12, 2020	Paid \$180.00 in PEUC benefits
Week-ending September 19, 2020	Paid \$180.00 in PEUC benefits
Week-ending September 26, 2020	Paid \$180.00 in PEUC benefits
Week-ending October 3, 2020	Paid \$180.00 in PEUC benefits
Week-ending November 21, 2020	Paid \$0.00
Week-ending November 28, 2020	Paid \$0.00
Week-ending December 5, 2020	Paid \$0.00

For the week-ending March 21, 2020, work was not available because the employer was on its customary spring break and the claimant had reasonable assurance to return after the customary break.

For the week-ending March 28, 2020 through the week-ending April 18, 2020, the school was completely closed during the COVID-19 pandemic and the claimant had no opportunity to work due to the closure.

The schools reopened in an online learning environment only for the remainder of the school year beginning the benefit week of April 19, 2020 through the end of the school year on June 2, 2020 (week-ending June 6, 2020). There were substitute teaching positions available while the school was operating in an online only learning environment, but the positions were limited due to the fact that regulations changed to allow a larger pool of participants to substitute teach and regular teachers could work from home.

Following the end of the 2019/2020 term, the claimant was sent an email communication that asked if she intended to be a substitute teacher for the 2020/2021 school year. Claimant completed that form and indicated that she did intend to continue to be a substitute teacher for the upcoming 2020/2021 school year. From the week of June 7, 2020 through the week-ending August 22, 2020, the school was shut down due to its regular summer closure between academic years or terms.

The 2020/2021 school year was scheduled to begin on or about August 24 – 26, 2020, depending on the school; however, the schools did not reopen until September 8, 2020 and did

so in an online learning environment only. See Exhibit A. Therefore, for the week beginning August 23, 2020 through the week-ending September 5, 2020, the schools were completely closed and there was no work available for the claimant as a substitute teacher.

Schools began the 2020/2021 school year in an online learning environment from September 8, 2020 through the week-ending September 19, 2020. There was work available to substitute teachers but it was again limited due to regular teachers being able to teach from home and the pool of substitute teachers being expanded due to changed regulations.

Schools were open in person from the week beginning September 20, 2020 through November 10, 2020. However, claimant was ill effective September 21, 2020 and was required to quarantine due to COVID-19 like symptoms through the week-ending October 3, 2020, so she did work due to quarantine during that period of time.

Claimant returned to work as a substitute teacher effective the week beginning October 4, 2020 through November 10, 2020. She worked 24 days during this time period. See Exhibit A.

On or about November 11, 12, and 16, 2020, the employer again transitioned to an online only learning environment through December 9, 2020. There were substitute positions available; however, they were limited again due to regular teachers being able to work from home and other persons being able to substitute teach.

Schools transitioned back to in person learning on December 9, 2020. Claimant has worked substitute teaching assignments since December 9, 2020.

Claimant's administrative records establish that she was paid regular unemployment insurance benefits of \$3,741.67 from March 15, 2020 through August 8, 2020. Claimant was paid Lost Wages Assistance (LWA) benefits of \$1,800.00 from July 26, 2020 through September 5, 2020. Claimant was paid Federal Pandemic Unemployment Compensation (FPUC) benefits of \$10,200.00 from March 29, 2020 through July 25, 2020. Claimant was paid Pandemic Emergency Unemployment Compensation (PEUC) benefits of \$1,440.00 from August 9, 2020 through October 3, 2020.

Regular unemployment insurance benefits were denied from March 15, 2020 through March 21, 2020 due to the claimant having reasonable assurance during a customary break period. See Appeal No. 21A-UI-02767-DB-T. Claimant was paid \$180.00 during that one-week period that she was found to be ineligible for regular unemployment insurance benefits. No FPUC benefits were paid to the claimant during that period.

Regular unemployment insurance benefits were allowed from March 22, 2020 through April 18, 2020 in Appeal No. 21A-UI-02762-DB-T. Claimant received FPUC benefits payments for the week-ending April 4, 2020; April 11, 2020; and April 18, 2020 during that allowance period for a total amount of \$1,800.00.

Regular unemployment insurance benefits were denied from April 19, 2020 through June 6, 2020 in Appeal No. 21A-UI-02762-DB-T. Claimant received \$1,260.00 in regular unemployment insurance benefits during that seven-week period of time she was found to be ineligible. Claimant also received FPUC benefits from April 19, 2020 through June 6, 2020 in the amount of \$4,200.00 for the seven weeks between April 19, 2020 and June 6, 2020.

Regular unemployment insurance benefits were denied from June 7, 2020 through August 22, 2020 in Appeal No. 21A-UI-02767-DB-T due to reasonable assurance. Claimant received regular unemployment insurance benefits of \$1,581.67 for nine weeks between June 7, 2020 and August 8, 2020. Claimant received FPUC benefits for seven weeks from June 7, 2020

through July 25, 2020 in the amount of \$4,200.00. No other FPUC benefits were paid after the week-ending July 25, 2020.

### **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes as follows:

Iowa Code § 96.3(7)a provides:

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.

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 \$600.00 (in this section referred to as "Federal Pandemic Unemployment Compensation").

....

(f) Fraud and Overpayments

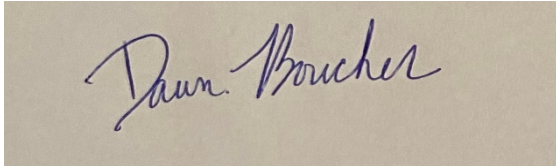
(2) Repayment. – In the case of individuals who have received amounts of Federal Pandemic Unemployment Compensation to which they were not entitled, the State shall require such individuals to repay the amounts of such Federal Pandemic Unemployment Compensation to the State agency...

In this case, the claimant received FPUC benefits but was disqualified from receipt of regular unemployment insurance benefits funded by the State of Iowa and was not found to be eligible for PUA benefits during the fourteen-week period of April 19, 2020 through July 25, 2020. See Appeal No. 21A-UI-02762-DB-T and Appeal No. 21A-DUA-00803-DB-T. As such, the claimant is found to be overpaid FPUC benefits for the weeks in which she was not eligible for other

benefits. Claimant is overpaid FPUC benefits from April 19, 2020 through July 25, 2020 in the total amount of \$8,400.00 (14 weeks at \$600.00 per week).

**DECISION:**

The February 1, 2021 (reference 06) unemployment insurance decision is modified in favor of the claimant. The claimant was overpaid FPUC benefits of \$8,400.00 for the fourteen-week period beginning April 19, 2020 and ending July 25, 2020.



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Dawn Boucher  
Administrative Law Judge

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March 31, 2021  
Decision Dated and Mailed

db/kmj