

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**KAREN S CAMERON**  
Claimant

**APPEAL 21A-UI-14769-DB-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 07/12/20**  
**Claimant: Appellant (2R)**

Iowa Code § 96.3(7) – Overpayment of Benefits  
PL 116-136 Section 2107 – Federal Pandemic Emergency Unemployment Compensation (PEUC)

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the June 3, 2021 (reference 03) unemployment insurance decision that found claimant was overpaid PEUC benefits in the amount of \$1,200.00 for the two weeks ending July 25, 2020. The claimant was properly notified of the hearing. A telephone hearing was held on August 24, 2021. The claimant participated personally. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records. The hearing was consolidated with Appeal No. 21A-UI-14768-DB-T and 21A-UI-14770-DB-T.

**ISSUE:**

Is the claimant overpaid PEUC benefits for the two weeks ending July 25, 2020?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed an original claim for unemployment insurance benefits effective July 12, 2020. Her established weekly benefit amount was \$347.00 and her maximum benefit amount was \$5,519.25. She was paid regular unemployment insurance benefits funded by the State of Iowa in the amount of \$3,249.00 for the weeks between July 12, 2020 and September 19, 2020. Claimant was also paid the supplemental Federal Pandemic Unemployment Compensation (FPUC) benefits of \$600.00 per week for the two weeks of July 12, 2020 through July 25, 2020.

A decision that disqualified her from being eligible for regular unemployment insurance benefits funded by the State of Iowa was issued on February 12, 2021 (reference 01). That decision had found that the claimant had voluntarily quit her employment with Oelwein Publishing Company on September 17, 2019 and that her voluntarily quitting work was without good cause attributable to the employer. Benefits were denied effective her original claim date of July 12, 2020. Claimant filed an appeal to that decision and an appeal hearing was held with ALJ Timberland. In Appeal No. 21A-UI-06157-JT-T, ALJ Timberland found that the claimant's separation from employment with Oelwein Publishing Company was disqualifying but that

claimant had been paid wages for insured work of at least ten times her weekly benefit amount effective October 3, 2020 and benefits were allowed effective October 3, 2020 based upon that requalification, and provided she remained otherwise eligible. See Appeal No. 21A-UI-06157-JT-T. No other disqualifying decisions were entered on the claimant's account as of the date of this hearing.

Claimant's administrative records establish that she filed weekly-continued claims for benefits consecutively from July 12, 2020 through May 1, 2021. Claimant was not paid any further regular unemployment insurance benefits after the week-ending November 14, 2020. From November 15, 2020 through May 1, 2021, claimant was paid Federal Pandemic Emergency Unemployment Compensation (PEUC) benefits.

Claimant was not paid any Federal PEUC benefits for the two weeks ending July 25, 2020 as the underlying decision that the claimant appealed had found.

Claimant was paid FPUC benefits for the two weeks ending July 25, 2020. The issue of whether the claimant is overpaid those FPUC benefits for the two weeks ending July 25, 2020 shall be remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

#### **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.

Section 2107 of the CARES Act, PL 116-136, created a new temporary federal program called Pandemic Emergency Unemployment Compensation (PEUC) that initially provided up to 13 additional weeks of benefits to individuals who have exhausted their regular unemployment compensation entitlement.

PL 116-136 Sec 2107 provides in pertinent part:

**PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION.**

**(a) FEDERAL-STATE AGREEMENTS. —**

(1) **IN GENERAL.** — Any State which desires to do so may enter into and participate in an agreement under this section with the Secretary of Labor (in this section referred to as the "Secretary"). Any State which is a party to an agreement under this section may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

**(2) PROVISIONS OF AGREEMENT. —**

Any agreement under paragraph (1) shall provide that the State agency of the State will make payments of pandemic emergency unemployment compensation to individuals who—

(A) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before July 1, 2019);

(B) have no rights to regular compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law;

(C) are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

(D) are able to work, available to work, and actively seeking work.

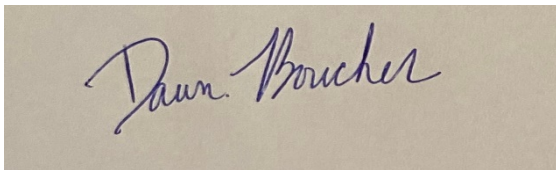
In this case, the claimant never received any PEUC benefits for the two-week period ending July 25, 2020. The claimant received FPUC benefits and regular benefits for those two week. As such, the claimant is not overpaid PEUC benefits for the two-week period ending July 25, 2020 as she was never paid PEUC benefits to begin with during those two weeks. The issue of whether the claimant was overpaid FPUC benefits during the two-week period ending July 25, 2020 will be remanded to the Benefits Bureau.

**DECISION:**

The June 3, 2021 (reference 03) unemployment insurance decision is reversed. The claimant was not overpaid PEUC benefits in the amount of \$1,200.00 for the two-week period ending July 25, 2020 because she was never paid PEUC benefits for those two weeks to begin with.

**REMAND:**

The matter of whether the claimant was overpaid FPUC benefits for the two-week period ending July 25, 2020 shall be remanded to the Benefits Bureau for an initial review and determination.



---

Dawn Boucher  
Administrative Law Judge

---

August 27, 2021  
Decision Dated and Mailed

db/kmj