

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**DAN SCHILLING**  
Claimant

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**APPEAL 21A-UI-15630-DB-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 08/04/19**  
**Claimant: Appellant (1)**

PL 116-136 Sec 2107 – Federal Pandemic Emergency Unemployment Compensation (PEUC)

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the June 30, 2021 (reference 10) unemployment insurance decision that found claimant was overpaid PEUC benefits in the amount of \$250.00 for the one--week period ending April 25, 2020. The claimant was properly notified of the hearing. A telephone hearing was held on September 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 Nos. 21A-UI-15629-DB-T and 21A-UI-15631-DB-T.

**ISSUE:**

Is the claimant overpaid PEUC benefits?

**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 August 4, 2019. An unemployment insurance decision was issued on August 17, 2020 (reference 09) that found he was not eligible for PEUC benefits effective April 19, 2020. That decision was affirmed in Appeal No. 21A-UI-15629-DB-T. The overpayment issue in this case was created by a disqualification decision that has been affirmed on appeal.

**REASONING AND CONCLUSIONS OF LAW:**

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

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.

Section 2107 of the CARES Act 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 and also provides funding to states to administer the program.

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;

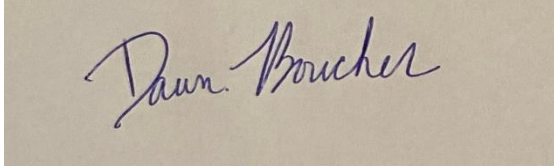
(C) are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

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

The administrative law judge concludes that the claimant has been overpaid PEUC benefits in the amount of \$250.00 for the one-week period ending April 25, 2020 pursuant to Iowa Code § 96.3(7) as the disqualification decision that created the overpayment has been affirmed. See Appeal No. 21A-UI-15629-DB-T.

**DECISION:**

The June 30, 2021 (reference 10) unemployment insurance decision is affirmed. The claimant has been overpaid PEUC benefits in the amount of \$250.00 for the one-week period ending April 25, 2020 as the disqualification decision that created the overpayment has been affirmed.



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Dawn Boucher  
Administrative Law Judge

September 29, 2021  
Decision Dated and Mailed

db/mh