

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

NICOLE STEARNS
Claimant

APPEAL NO: 20A-UI-13974-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 07/07/19
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

The claimant filed an appeal from the October 29, 2020, (reference 06) unemployment insurance decision that concluded she was overpaid \$1,443.00 in PEUC benefits. Claimant waived proper notice and a telephone hearing was conducted on December 11, 2020. The hearing was held jointly with Appeal 20A-UI-13973-JC-T. The claimant participated personally.

Official notice was taken of the administrative records. Claimant Exhibit A (appeal letter) was admitted. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Has the claimant been overpaid any unemployment insurance benefits?
Is the claimant overpaid Federal Pandemic Emergency Unemployment Compensation (PEUC)?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of July 17, 2019, and an additional claim effective May 17, 2020.

The claimant received federal unemployment insurance benefits through Federal Pandemic Emergency Unemployment Compensation (PEUC). Claimant received \$1,443.00 in federal benefits for the period of May 17, 2020 and June 6, 2020.

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been affirmed in a decision of the administrative law judge in appeal 20A-UI-06825-ED-T. That decision is final at this time.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was overpaid PEUC benefits.

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.

PL 116-136 Sec 2107 provides in pertinent part:

PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION.

(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.

...

(e) 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...

The terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof (including terms and conditions relating to availability for work, active search for work, and refusal to accept work) shall apply to claims for pandemic emergency unemployment compensation and the payment thereof, except where otherwise inconsistent

with the provisions of this section or with the regulations or operating instructions of the Secretary promulgated to carry out this section. See PL 116-136 Sec 2107 (4)(B).

Since the decision disqualifying the claimant has been affirmed, this also disqualifies claimant from receiving Federal Pandemic Emergency Unemployment Compensation (PEUC). The claimant was overpaid \$1,443.00 in Federal Pandemic Emergency Unemployment Compensation (PEUC).

DECISION:

The unemployment insurance decision dated October 29, 2020, (reference 06), is affirmed. The claimant was overpaid \$1,443.00 in Federal Pandemic Emergency Unemployment Compensation (PEUC).



Jennifer L. Beckman
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
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Fax 515-478-3528

December 22, 2020
Decision Dated and Mailed

jlb/mh

Note to Claimant: This decision denies benefits. *If this decision becomes final or if you are not eligible for PUA, you may have an overpayment of benefits.* 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. Individuals who do not qualify for regular unemployment insurance benefits, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at

<https://www.iowaworkforcedevelopment.gov/pua-information>