

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ACHOK AKUAR
Claimant

APPEAL 22A-UI-00504-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04/05/20
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

The claimant/appellant, Achok Akuar, filed an appeal from the November 30, 2021 (reference 05) initial decision which concluded claimant was overpaid PEUC benefits. Iowa Workforce Development (“IWD”) unemployment insurance decision that denied benefits. After proper notice, a telephone hearing was held on January 27, 2022. The following hearings were consolidated: 22A-UI-00502-JC-T, 22A-UI-00503-JC-T, 22A-UI-00504-JC-T, 22A-UI-00506-JC-T, and 22A-UI-00507-JC-T. The claimant participated. The administrative law judge took official notice of the administrative records. 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. Department Exhibit D-1 was admitted.

ISSUES:

Is claimant overpaid PEUC benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant established a claim for unemployment insurance benefits with an effective date of April 5, 2020. The claimant filed for and received \$4,126.00 in PEUC benefits for the period of October 18, 2020 and December 26, 2020. The initial decision denying benefits to the claimant has been reversed in Appeal 22A-UI-00502-JC-T.

REASONING AND CONCLUSIONS OF LAW:

The issue is whether claimant is 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).

Because the initial decision has been reversed, allowing benefits, the claimant is not overpaid PEUC benefits.

DECISION:

The November 30, 2021 (reference 05) initial decision is reversed. The claimant is not overpaid PEUC benefits.



Jennifer L. Beckman
Administrative Law Judge
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February 17, 2022

Decision Dated and Mailed

jlb/abd