

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LISA L HISE
Claimant

APPEAL NO: 22A-UI-01494-CS-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 03/29/20
Claimant: Appellant (1R)

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
PL116-136, Sec. 2104 – Federal Pandemic Unemployment Compensation (FPUC)

STATEMENT OF THE CASE:

On December 21, 2021, the claimant filed an appeal from the December 14, 2021, (reference 05) unemployment insurance decision that concluded she was overpaid \$3,600.000 in Federal Pandemic Unemployment Compensation (FPUC) benefits. After proper notice, a telephone hearing was conducted on February 8, 2022. The hearing was held together with appeals 22A-UI-01492-CS-T and 22A-UI-01493-CS-T and combined into one record. The claimant participated. Official notice of the administrative records was taken of DBIN-2 and KPYX.

ISSUE:

Is the claimant overpaid Federal Pandemic Unemployment Compensation (FPUC)?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a new claim for unemployment insurance benefits with an effective date of March 29, 2020. Claimant was not monetarily eligible for benefits with a claim attempted date of March 29, 2020. When the new quarter occurred in April 2020 a new claim effective April 5, 2020, was filed for claimant to determine if she was eligible for benefits. Claimant was deemed monetarily eligible in the new claim filed for claimant.

The claimant received federal unemployment insurance benefits through Federal Pandemic Unemployment Compensation (FPUC) for the attempted claim year beginning March 29, 2020. Claimant received \$3,600.00 in federal benefits for the period of March 29, 2020 and April 25, 2020; May 3, 2020 through May 9, 2020; and May 31, 2020 through June 6, 2020.

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits in the attempted claim year beginning March 29, 2020 has been affirmed in a decision of the administrative law judge in appeal 22A-UI-01492-CS-T.

The claimant has been allowed benefits if she is otherwise eligible in her April 4, 2020, unemployment claim in appeals: 22A-UI-01495-CS-T, 22A-UI-01496-CS-T, and 22A-UI-01497-CS-T.

REASONING AND CONCLUSIONS OF LAW:

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

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 (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...

The FPUC program was extended and the weekly benefit amount was reduced to \$300.00 by the consolidated Appropriations Act, 2021.

Here, the claimant is disqualified from receiving regular unemployment insurance (UI) benefits for claim year effective March 29, 2020. Accordingly, this also disqualifies claimant from receiving

Federal Pandemic Unemployment Compensation (FPUC) in the claim year effective March 29, 2020. The claimant was overpaid \$3,600.00 in Federal Pandemic Unemployment Compensation (FPUC).

DECISION:

The unemployment insurance decision dated December 14, 2021, (reference 05), is AFFIRMED. The claimant was overpaid \$3,600.00 in Federal Pandemic Unemployment Compensation (FPUC).

REMAND:

The issue of whether claimant is owed any outstanding FPUC benefits is remanded to the Benefits Bureau for a determination. The Department shall use outstanding payments due to claimant to offset any overpayment to the extent allowed by the law.



Carly Smith
Administrative Law Judge
Unemployment Insurance Appeals Bureau

February 28, 2022
Decision Dated and Mailed

cs/mh

Note to Claimant:

This decision determines you have been overpaid FPUC under the CARES Act. 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. Additionally, instructions for requesting a waiver of this overpayment can be found at <https://www.iowaworkforcedevelopment.gov/federal-unemployment-insurance-overpayment-recovery>. If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.

You may find additional information about food, housing, and other resources at <https://covidrecoveryiowa.org/> or at <https://dhs.iowa.gov/node/3250>