

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOSEPH C FAHLBECK
Claimant

APPEAL 21A-UI-18368-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 09/15/19
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 August 4, 2021 (reference 02) unemployment insurance decision that found claimant was overpaid Federal PEUC benefits in the amount of \$1,036.00 for two weeks between August 16, 2020 and August 29, 2020. The claimant was properly notified of the hearing. A telephone hearing was held on October 12, 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-18367-DB-T and 21A-UI-18369-DB-T.

ISSUE:

Is the claimant overpaid PEUC benefits from August 16, 2020 through August 29, 2020?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed an original claim for regular unemployment insurance benefits funded by the State of Iowa with an effective date of September 15, 2019. He received his maximum benefit amount for State of Iowa funded unemployment insurance benefits during the week-ending August 15, 2020. Claimant was paid Federal PEUC benefits effective August 16, 2020 through August 29, 2020 in the total amount of \$1,036.00. He was also paid Lost Wages Assistance benefits for the two weeks of August 16, 2020 through August 29, 2020 in the total amount of \$600.00.

A decision was issued on September 21, 2020 (reference 01) that found the claimant was not eligible for Federal PEUC benefits effective August 16, 2020 because he was monetarily eligible for regular State funded benefits in either Nebraska or Illinois. That decision was affirmed in Appeal No. 21A-UI-18367-DB-T.

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 received PEUC benefits after exhausting his regular unemployment insurance benefits funded by the State of Iowa. However, claimant was found to be ineligible for regular unemployment insurance benefits due to a decision issued on September 21, 2020 (reference 01) and affirmed in Appeal No. 21A-UI-18367-DB-T. As such, the claimant has been overpaid PEUC benefits in the amount of \$1,036.00 for two weeks between August 16, 2020 and August 29, 2020 as he was found to be ineligible for those benefits.

Pursuant to PL 116-136 Section 2107(E)(2) of the CARES Act, the claimant may request a waiver of the overpayment of PEUC benefits. The request for waiver should be sent to:

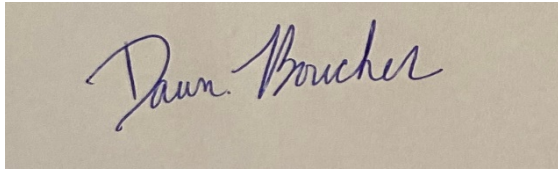
Iowa Workforce Development
Overpayment Waiver Request
1000 East Grand Avenue
Des Moines, Iowa 50319

The request for waiver of overpayment should include the claimant’s name, address, decision number and date of decision, dollar amount of overpayment requested for waiver, and all

relevant facts the claimant feels would justify a waiver of the overpayment balance. The claimant may also visit <https://www.iowaworkforcedevelopment.gov/application-overpayment-waiver>.

DECISION:

The August 4, 2021 (reference 02) unemployment insurance decision is affirmed. The claimant was overpaid PEUC benefits of \$1,036.00 between August 16, 2020 and August 29, 2020.

A rectangular area containing a handwritten signature in blue ink that reads "Dawn Boucher". The signature is written on a light-colored, textured background.

Dawn Boucher
Administrative Law Judge

October 22, 2021
Decision Dated and Mailed

db/scn