

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JULIA V HOLMES
Claimant

APPEAL 22A-UI-00121-AR-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 04/05/20
Claimant: Appellant (1R)

PL 116-136, Sec. 2107 – Federal Pandemic Emergency Unemployment Compensation
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment

STATEMENT OF THE CASE:

The claimant, Julia V. Holmes, filed a timely appeal from the November 16, 2021, (reference 05) unemployment insurance decision that concluded claimant was overpaid Pandemic Emergency Unemployment Compensation (PEUC) benefits in the amount of \$12,025.00 for the 25-week period ending March 20, 2021. A telephone hearing was scheduled for 10:00 a.m. on January 21, 2022, pursuant to due notice, and was intended to be consolidated with the hearing for appeal numbers 22A-UI-00120-AR-T, 22A-UI-00122-AR-T, and 22A-UI-00124-AR-T. Prior to hearing, claimant—by and through Counsel Corey J.L. Walker—submitted an appeal brief in lieu of hearing. No hearing was held.

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 for and has received PEUC benefits in the gross amount of \$12,025.00 for the 25-week period ending March 20, 2021. On June 18, 2021, Iowa Workforce Development (IWD) issued a decision (reference 01) that disqualified claimant from receiving regular unemployment insurance benefits. That decision has been affirmed. See 21A-UI-14467-SN-T; 21B-UI-14467-EAB.

Following the denial of regular unemployment insurance benefits, claimant applied for and was granted Pandemic Unemployment Assistance (PUA) benefits effective April 5, 2020. These benefits have not yet been disbursed to the claimant.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes that the claimant has been overpaid PEUC benefits.

Public Law 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 pandemic emergency unemployment compensation under this section to which they were not entitled, the State shall require such individuals to repay the amounts of such pandemic emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(A) the payment of such pandemic emergency unemployment compensation was without fault on the part of any such individual; and

(B) such repayment would be contrary to equity and good conscience.

The decision that denied claimant regular unemployment insurance benefits remains in effect. Because claimant is not eligible for UI benefits, claimant is not eligible for PEUC benefits. Therefore, claimant has received PEUC benefits to which they were not entitled. The administrative law judge concludes that claimant has been overpaid PEUC benefits in the amount outlined in the findings of fact above. Claimant is obligated to repay the PEUC benefits unless repayment of this obligation is waived. Instructions on how to apply for a waiver are found below.

DECISION:

The November 16, 2021 (reference 05) decision is affirmed. Claimant has been overpaid PEUC benefits in the amount of \$12,025.00, which must be repaid.

REMAND:

This matter is remanded to the Benefits Bureau of Iowa Workforce Development for disbursement of claimant's unpaid PUA benefits, and any other associated benefits to which claimant may be entitled, and for offsetting of those benefits against her outstanding overpayment, to the extent permitted.



Alexis D. Rowe
Administrative Law Judge

February 9, 2022
Decision Dated and Mailed

ar/mh

NOTE TO CLAIMANT:

- This decision determines you have been overpaid PEUC 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.
- You may also request a waiver of this overpayment. The written request must include the following information:
 1. Claimant name & address.
 2. Decision number/date of decision.
 3. Dollar amount of overpayment requested for waiver.
 4. Relevant facts that you feel would justify a waiver.
- The request should be sent to:

Iowa Workforce Development
Overpayment waiver request
1000 East Grand Avenue
Des Moines, IA 50319
- This Information can also be found on the Iowa Workforce Development website at: <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment-and-recovery>.
- If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.