

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MORGAN KAPPEL
Claimant

APPEAL 22A-UI-08197-AR-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 03/15/20
Claimant: Appellant (1)

PL 116-136, Sec. 2104 – Federal Pandemic Unemployment Compensation
Iowa Code § 95.5(5) – Benefit Deductions
Iowa Code § 96.19(38) – Total and Partial Unemployment
Iowa Code § 96.1A(37) – Total and Partial Unemployment

STATEMENT OF THE CASE:

The claimant filed an appeal from the March 15, 2022, (reference 03) unemployment insurance decision that determined claimant was overpaid Federal Pandemic Unemployment Compensation (FPUC) benefits in the amount of \$600.00 for the two-week period ending August 22, 2020, due to unreported or underreported wages from Winterset Community School District. After due notice was issued, a telephone hearing was held on May 18, 2022, and was consolidated with the hearing for appeal number 22A-UI-08194-AR-T. The claimant, Morgan Kappel, participated personally. The employer, Winterset Community School District, received notice as an interested party, but did not participate. Claimant's Exhibit A was admitted. The administrative law judge took official notice of the administrative record.

ISSUE:

Was the claimant overpaid FPUC benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed a claim for unemployment insurance benefits with an effective date of March 15, 2020. In August 2020, claimant became employed with Winterset Community School District.

Iowa Workforce Development (IWD) made an inquiry into wages earned by claimant. The employer reported that claimant worked and earned wages in excess of her weekly benefit amount, plus \$15, during the two-week period ending August 22, 2020. Claimant confirmed she began working full-time hours the week of August 9, 2020. She did not receive her first paycheck from the employer until September 15, 2020, which is why she continued filing for unemployment insurance benefits.

Claimant was granted FPUC benefits as a supplement to her eligibility for PEUC benefits. She filed for and received FPUC benefits in the amount of \$600.00 for the two-week period ending August 22, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the following reasons the administrative law judge concludes the claimant was overpaid FPUC benefits for the period in question.

Public Law 116-136, 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...

Section 203 of the Continued Assistance for Unemployed Workers Act of 2020 provides in pertinent part:

(a) IN GENERAL. – Section 2104(e) of the CARES Act (15 U.S.C. 9023(e)) is amended to read as follows: . . .

“(e) APPLICABILITY. – An agreement entered into under this section shall apply –

(1) to weeks of unemployment beginning after the date on which such agreement is entered into and ending on or before July 31, 2020; and

(2) to weeks of unemployment beginning after December 26, 2020 (or, if later, the date on which such agreement is entered into), and ending on or before March 14, 2021.”.

(b) AMOUNT.-

(1) IN GENERAL. – Section 2104(b) of the CARES Act (15 U.S.C. 9023(b)) is amended –

(A) in paragraph (1)(B), by striking “of \$600” and inserting “equal to the amount specified in paragraph (3)”; and

(B) by adding at the end of the following new paragraph:

“(3) AMOUNT OF FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION.-

“(A) IN GENERAL. – The amount specified in this paragraph is the following amount:

“(i) For weeks of unemployment beginning after the date on which an agreement is entered into under this section and ending on or before July 31, 2020, \$600.

“(ii) For weeks of unemployment beginning after December 26, 2020 (or, if later, the date on which such agreement is entered into), and ending on or before March 14, 2021, \$300.”.

Claimant is not eligible for PEUC benefits during the two-week period ending August 22, 2020. For that reason, claimant is also not eligible for FPUC benefits. Therefore, claimant has received FPUC benefits to which they were not entitled. The administrative law judge concludes that claimant has been overpaid FPUC benefits in the amount outlined in the findings of fact above. Claimant is obligated to repay the FPUC benefits unless repayment of this obligation is waived. Instructions on how to apply for a waiver are found below.

DECISION:

The decision of the representative dated March 15, 2022, (reference 03) is affirmed. Claimant has been overpaid FPUC benefits in the amount of \$600.00, which must be repaid.



Alexis D. Rowe
Administrative Law Judge

June 30, 2022
Decision Dated and Mailed

ar/mh

NOTE TO CLAIMANT:

- This decision determines you have been overpaid FPUC 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.