

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

CHRIS J SHERRER
Claimant

APPEAL NO. 20A-UI-14346-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

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

Public Law 116-136, Section 2104 – Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the November 9, 2020, reference 04, decision that held the claimant was overpaid \$6,000.00 in Federal Pandemic Unemployment Compensation (FPUC) for the 10-week period ending June 6, 2020, based on a June 18, 2020 decision that determined the claimant was not eligible for benefits for the period in question. After due notice was issued, a hearing was held on January 11, 2021. The claimant participated in the hearing. The hearing in this matter was consolidated with the hearing in Appeal Number 20A-UI-14345-JTT. Exhibit A was received into evidence. The administrative law judge took official notice of the following Agency administrative records: DBRO, KPYX, KPY1, NMRO, the June 19, 2020, reference 02, decision, and the December 18, 2020 administrative law judge decision in Appeal Number 20A-UI-07207-S1-T.

ISSUE:

Whether the claimant was overpaid \$6,000.00 in Federal Pandemic Unemployment Compensation (FPUC) for the 10-week period ending June 6, 2020, based on a June 18, 2020 decision that determined the claimant was not eligible for benefits for the period in question.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established an original claim for benefits that was effective March 15, 2020. Iowa Workforce Development set the weekly benefit amount for regular benefits at \$362.00. The claimant made weekly claims that included claims for each of the weeks between March 15, 2020 and June 6, 2020 and received regular benefits for each of those weeks. IWD paid the claimant regular benefits totaling \$4,211.23 for the period of March 15, 2020 through June 6, 2020, at which point the claimant exhausted his eligibility for regular benefits. IWD also paid the claimant \$600.00 in Federal Pandemic Unemployment Compensation (FPUC) for each of the 10 weeks between March 29, 2020 and June 6, 2020. The FPUC benefits paid for that period totaled \$6,000.00.

On June 19, 2020, an Iowa Workforce Development Benefits Bureau deputy entered a reference 02 decision that denied regular benefits effective March 15, 2020, based on the

deputy's conclusion that the claimant was unavailable for work due to a lack of childcare. The June 19, 2020, reference 02, decision prompted the overpayment decision from which the claimant appeals in the present matter.

The claimant appealed the reference 02 decision. On December 8, 2020, an administrative law judge entered a decision in Appeal Number 20A-UI-07207-S1-T that affirmed the denial of benefits and that dismissed the claimant's appeal from the reference 02 decision, based on the claimant's failure to appear for the appeal hearing. The claimant did not appeal from the administrative law judge's decision and the decision became a final agency decision.

REASONING AND CONCLUSIONS OF LAW:

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...

Because the reference 02 decision disqualified the claimant for benefits for the period beginning March 15, 2020, and because the reference 02 was affirmed on appeal, the \$6,000.00 in Federal Pandemic Unemployment Compensation (FPUC) benefits that the claimant received for the 10-weeks between March 29, 2020 and June 6, 2020 was an overpayment of benefits. The claimant must repay the overpaid benefits.

DECISION:

The November 9, 2020, reference 04, decision is affirmed. The claimant was overpaid \$6,000.00 in Federal Pandemic Unemployment Compensation (FPUC) for the 10-weeks between March 29, 2020 and June 6, 2020. The overpayment is based on the June 19, 2020, reference 02, decision that denied benefits for the period beginning March 15, 2020.



James E. Timberland
Administrative Law Judge

January 28, 2021
Decision Dated and Mailed

jet/scn