

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JASON MCCANN
Claimant

APPEAL NO. 21A-UI-01184-LJ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 09/15/19
Claimant: Appellant (1)

Public Law 116-136, Sec. 2104 – Federal Pandemic Unemployment Compensation
Iowa Code § 96.3(7) - Recovery of Benefit Overpayment

STATEMENT OF THE CASE:

The claimant appealed the December 28, 2020, (reference 14) decision that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation ("FPUC") benefits in the amount of \$6,600.00 for the eleven-week period ending June 13, 2020, as an overpayment decision issued December 7, 2020 (reference 13). A telephone hearing was held on February 17, 2021, pursuant to due notice. The claimant, Jason McCann, participated. The administrative law judge took official notice of the administrative record.

ISSUE:

Is the claimant overpaid benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The overpayment issue in this case was created by an overpayment decision that has now been affirmed. (See 21A-UI-01183-LJ-T) Claimant did receive FPUC benefits in the gross amount of \$6,600.00.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes claimant has been overpaid benefits for the period in question.

Iowa Code § 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.

b. (1) (a) If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

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

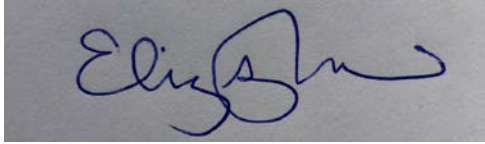
(2) Repayment .-- In the case of individuals who have received amounts of Federal Pandemic Unemployment Compensation to which they were not entitled, the State shall require such individuals to repay the amounts of such Federal Pandemic Unemployment Compensation to the State agency...

If the claimant had been disqualified from receipt of benefits, he would not have been entitled to the additional FPUC benefit payments he received.

The administrative law judge concludes that the claimant has been overpaid unemployment insurance benefits in the amount of \$6,600.00 pursuant to Public Law 116-136, section 2104, as the underlying overpayment decision that created this FPUC overpayment decision has been affirmed.

DECISION:

The December 28, 2020, (reference 14) decision is affirmed. The claimant has been overpaid unemployment insurance benefits in the gross amount of \$6,600.00 to which he was not entitled and those benefits must be recovered in accordance with Iowa law.

A handwritten signature in blue ink, appearing to read "Elizabeth A. Johnson", is shown on a light-colored background.

Elizabeth A. Johnson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

February 26, 2021
Decision Dated and Mailed

lj/scn