

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

DENNIS B MCCULLOUGH
Claimant

APPEAL NO. 22A-UI-03817-JT-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 11/22/20
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

On January 29, 2022, Dennis MuCullough (claimant) filed a timely appeal from the January 27, 2022 (reference 04) decision that held the claimant was overpaid \$3,300.00 in FPUC benefits for 11 weeks ending March 13, 2021, based on the reference 01 decision that disqualified the claimant for benefits in connection with a voluntary quit from DART. After due notice was issued, a hearing was held on April 27, 2022. Claimant participated. The employer did not comply with the hearing notice instructions to call the toll-free number at the time of the hearing and did not participate. There were four appeal numbers set for a consolidated hearing: 22A-UI-03813-JT-T, 22A-UI-03814-JT-T, 22A-UI-03815-JT-T, and 22A-UI-03817-JT-T. Exhibits A and B were received into evidence. The administrative law judge took official notice of the following Agency administrative records: DBIN, KPYX, DBRO, WAGE-A, WAGE-B and the reference 01 through reference 04 decisions.

ISSUE:

Whether the claimant was overpaid \$3,300.00 in FPUC benefits for 11 weeks ending March 13, 2021, based on the reference 01 decision that disqualified the claimant for benefits in connection with a voluntary quit from DART.

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 a disqualification decision that has now been reversed. See Appeal Number 22A-UI-03813-JT-T.

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, except that the State agency may waive such repayment if it determines that—

(A) the payment of such Federal Pandemic Unemployment Compensation was without fault on the part of any such individual; and

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

(3) Recovery by state agency —

(A) In general.—The State agency shall recover the amount to be repaid, or any part thereof, by deductions from any Federal Pandemic Unemployment Compensation payable to such individual or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the Federal Pandemic Unemployment Compensation to which they were not entitled, in accordance with the same procedures as apply to the recovery of overpayments of regular unemployment benefits paid by the State.

(B) Opportunity for hearing.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(4) Review.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

Because the decision that prompted the overpayment decision has been reversed on appeal, the claimant was not overpaid \$3,300.00 in FPUC benefits for 11 weeks ending March 13, 2021, based on the reference 01 decision that disqualified the claimant for benefits in connection with a voluntary quit from DART.

DECISION:

The January 27, 2022, 2021 (reference 03) decision is reversed. The claimant was not overpaid \$3,300.00 in FPUC benefits for 11 weeks ending March 13, 2021, based on the reference 01 decision that disqualified the claimant for benefits in connection with a voluntary quit from DART.



James E. Timberland
Administrative Law Judge

May 17, 2022
Decision Dated and Mailed

jet/scn