

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

BRYCEN WOLTERING
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL NO. 21A-UI-09952-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/19/20
Claimant: Appellant (1R)

PL116-136, Sec. 2104(f)(2) – Overpayment of Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

On April 8, 2021, Brycen Woltering (claimant/appellant) appealed the March 31, 2021 (reference 03) decision that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation (FPUC) in the amount of \$1,800.00 for the three-week period ending May 9, 2020. This determination was based on an administrative law judge decision dated February 8, 2021 (reference 01) which determined claimant was not eligible for benefits during that period.

A telephone hearing was held on June 23, 2021, pursuant to due notice. Claimant participated personally. His father, Tim Woltering, participated as a witness. The administrative law judge took official notice of the administrative record.

ISSUE:

Was the claimant overpaid Federal Pandemic Unemployment Compensation (FPUC)?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

The unemployment insurance system shows claimant received FPUC in the amount of \$600.00 for a total of three weeks, from the benefit week ending April 25, 2020 and continuing through the benefit week ending May 9, 2020. The total amount of FPUC paid to date is \$1,800.00.

Claimant was subsequently determined to be ineligible for benefits in a decision dated February 8, 2021. That decision was not appealed further and remains in force. See 20A-UI-15357-S1-T.

Claimant was subsequently determined to be eligible for Pandemic Unemployment Assistance (PUA) in the amount of \$481.00 per week, effective April 19, 2020. No PUA payments or corresponding Federal Pandemic Unemployment Compensation (FPUC) payments have been issued as of the date of hearing.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the March 31, 2021 (reference 03) decision that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation (FPUC) in the amount of \$1,800.00 for the three week period ending May 9, 2020 is AFFIRMED.

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.

The unemployment insurance system shows claimant received FPUC in the amount of \$600.00 for a total of three weeks, from the benefit week ending April 25, 2020 and continuing through the benefit week ending May 9, 2020. The total amount of FPUC paid to date is \$1,800.00.

Claimant was subsequently determined to be ineligible for benefits in a decision dated February 8, 2021. That decision was not appealed further and remains in force. See 20A-UI-15357-S1-T.

Because the claimant is ineligible for regular unemployment insurance during the period in question he is also ineligible for FPUC during that period. Claimant has therefore been overpaid FPUC in the amount of \$1,800.00.

The administrative law judge notes that claimant should be eligible for FPUC in the same amount and during the same period based on his being found eligible for PUA during that period.

DECISION:

The March 31, 2021 (reference 03) decision that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation (FPUC) in the amount of \$1,800.00 for the three week period ending May 9, 2020 is AFFIRMED.

REMAND:

This matter is REMANDED for issuance of all PUA and corresponding FPUC payments due to claimant.



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

July 6, 2021
Decision Dated and Mailed

abd/lj

Note to Claimant:

This decision determines you have been overpaid FPUC, PEUC, and/or LWAP. 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. Additionally, instructions for requesting a waiver of this overpayment can be found 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.

Individuals who are disqualified from or are otherwise ineligible for **regular** unemployment insurance benefits but who are unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.