

**IOWA DEPARTMENT OF INSPECTIONS AND APPEALS
ADMINISTRATIVE HEARINGS DIVISION, UI APPEALS BUREAU**

ALEXANDER D CHAPMAN
Claimant

APPEAL NO. 22A-UI-12024-JT-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 03/08/20
Claimant: Appellant (1)

Iowa Code §96.3(7) – Overpayment, Regular Benefits & Lost Wages Assistance Payments
Public Law 116-136, §2104 – Federal Pandemic Unemployment Compensation Overpayment

STATEMENT OF THE CASE:

On May 10, 2022, Alexander Chapman (claimant) filed a timely appeal from the May 2, 2022 (reference 03) decision that held the claimant was overpaid regular, FPUC and LWAP benefits totaling \$15,849.40 due to the reference 02 decision regarding the claimant's voluntary quit from Optimae LifeService, Inc. After due notice was issued, a hearing was held on June 27, 2022. Claimant participated. The hearing in this matter was consolidated with the hearing in Appeal Number 22A-UI-12023-JT-T. Exhibit A, the online appeal, was received into evidence. The administrative law judge took official notice of the relevant Agency administrative records marked for identification purposes as Department Exhibits D-1 through D-9 for identification purposes.

ISSUES:

Whether the claimant was overpaid \$5,649.40 in regular benefits for 30 weeks between April 19, 2020 and November 14, 2020, due to the reference 02 decision regarding the claimant's voluntary quit from Optimae LifeService, Inc.

Whether the claimant was overpaid \$8,400.00 in FPUC benefits for 14 weeks between April 19, 2020 and July 25, 2020, due to the reference 02 decision regarding the claimant's voluntary quit from Optimae LifeService, Inc.

Whether the claimant was overpaid \$1,800.00 in LWAP benefits for six weeks between July 26, 2020 and September 5, 2020, due to the reference 02 decision regarding the claimant's voluntary quit from Optimae LifeService, Inc.

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 8, 2020. Iowa Workforce Development set the weekly benefit amount for regular benefits at \$252.00. The claimant received \$5,649.40 in regular benefits for 30 weeks between April 19, 2020 and November 14, 2020. Based on the payment of regular benefits, the claimant received \$8,400.00 in FPUC benefits for 14 weeks between April 19, 2020 and July 25, 2020 and \$1,800.00 in LWAP benefits for six weeks between July 26, 2020 and September 5, 2020.

On March 30 2021, Iowa Workforce Development Benefits Bureau issued the reference 02 decision that disqualified the claimant for benefits, based on the deputy's conclusion that the claimant voluntarily quit on January 31, 2020 without good cause attributable to the employer. The reference 02 decision prompted the overpayment determinations and overpayment decision from which the claimant appeals in the present matter. The reference 02 decision has been affirmed in Appeal Number 22A-UI-12023-JT-T.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 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.

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 reference 02 decision disqualified the claimant for benefits due to January 2020 separation, and because the reference 02 decision remains in effect, the benefits the claimant received are an overpayment of benefits. The claimant was overpaid \$5,649.40 in regular benefits for 30 weeks between April 19, 2020 and November 14, 2020. The claimant must repay the overpaid regular benefits. Because of the claimant was disqualified for regular benefits, the claimant was also disqualified for the PFUC and LWAP benefits that depended on the claimant's eligibility for regular benefits for the weeks in question. The claimant was overpaid \$8,400.00 in FPUC benefits for 14 weeks between April 19, 2020 and July 25, 2020 and \$1,800.00 in LWAP benefits for six weeks between July 26, 2020 and September 5, 2020. The claimant must repay the overpaid FPUC and LWAP benefits unless the claimant applies for and is approved for waiver of repayment of those benefits. See below.

DECISION:

The May 2, 2022 (reference 03) decision is affirmed. Due to the reference 02 decision that disqualified the claimant for benefits in connection with the January 2020 separation, the claimant was overpaid \$5,649.40 in regular benefits for 30 weeks between April 19, 2020 and November 14, 2020, \$8,400.00 in FPUC benefits for 14 weeks between April 19, 2020 and July 25, 2020, and \$1,800.00 in LWAP benefits for six weeks between July 26, 2020 and September 5, 2020. The claimant must repay the overpaid regular benefits. The claimant must repay the overpaid FPUC and LWAP benefits unless the claimant applies for and is approved for waiver of repayment of those benefits. See below.



James E. Timberland
Administrative Law Judge

August 31, 2022
Decision Dated and Mailed

jet/scn

Note to Claimant: This decision determines you have been overpaid benefits that include FPUC and LWAP. If you disagree with this decision, you may file an appeal pursuant to the instructions below. Additionally, instructions for requesting a waiver of repayment of the FPUC and LWAP benefites can be found at <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment>. If this decision becomes final and you are not eligible for a waiver pertaining to the FPUC and LWAP benefits, you will have to repay those benefits.

APPEAL RIGHTS. If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

Employment Appeal Board
4th Floor – Lucas Building
Des Moines, Iowa 50319
Fax: (515)281-7191
Online: eab.iowa.gov

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday. *There is no filing fee to file an appeal with the Employment Appeal Board.*

AN APPEAL TO THE BOARD SHALL STATE CLEARLY:

- 1) The name, address, and social security number of the claimant.
- 2) A reference to the decision from which the appeal is taken.
- 3) That an appeal from such decision is being made and such appeal is signed.
- 4) The grounds upon which such appeal is based.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may file a petition for judicial review in district court.

2. If you do not file an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at www.iowacourts.gov/efile. *There may be a filing fee to file the petition in District Court.*

Note to Parties: YOU MAY REPRESENT yourself in the appeal or obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds.

Note to Claimant: It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.

DERECHOS DE APELACIÓN. Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Employment Appeal Board
4th Floor – Lucas Building
Des Moines, Iowa 50319
Fax: (515)281-7191
En línea: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal. *No hay tarifa de presentación para presentar una apelación ante la Junta de Apelación de Empleo.*

UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si no presenta una apelación de la decisión del juez ante la Junta de Apelación de Empleo dentro de los quince (15) días, la decisión se convierte en una acción final de la agencia y tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días. Puede encontrar información adicional sobre cómo presentar una petición en www.iowacourts.gov/efile. *Puede haber una tarifa de presentación para presentar la petición en el Tribunal de Distrito.*

Nota para las partes: USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

Nota para el reclamante: es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

SERVICIO DE INFORMACIÓN:

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.