

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

CHRISTOPHER P NICHOLAS
Claimant

APPEAL NO. 21A-UI-00008-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

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

Iowa Code Section 96.6(4) – Previously Adjudicated Issue
Public Law 116-136 – Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the November 20, 2020, reference 03, decision that held the claimant was overpaid \$3,600.00 in Federal Pandemic Unemployment Compensation for the period of March 29, 2020 through May 23, 2020. A hearing was scheduled for January 23, 2021 and the claimant was appropriately notified. The hearing in this matter was scheduled as a consolidated hearing with Appeal Number 21A-UI-00007-JTT. Upon review of the Agency administrative records, the administrative law judge determined that a hearing before the Appeals Bureau was not necessary or appropriate. The administrative law judge enters the following decision based on the Agency’s administrative records and the law.

ISSUE:

Whether the FPUC overpayment issue addressed in the November 20, 2020, reference 03, decision was previously adjudicated and whether that prior adjudication remains in effect.

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. The claimant received \$2,280.00 in regular benefits for the eight weeks between March 15, 2020 and May 23, 2020. The claimant also received \$3,000.00 in Federal Pandemic Unemployment Compensation (FPUC) benefits for the five-week period of March 29, 2020 through May 2, 2020 and an additional \$600.00 in FPUC benefits for the week that ended May 23, 2020.

On April 30, 2020, an Iowa Workforce Development Benefits Bureau deputy entered a reference 01 decision that allowed benefits to the claimant, provided he met all other eligibility requirements, and that held the employer account of Superior Cleaning Services, Ltd. could be charged for benefits, based on the deputy’s conclusion that the claimant voluntarily quit on December 12, 2019 with good cause attributable to the employer. The employer filed a timely appeal from the reference 01 decision. The Appeals Bureau docketed the employer’s appeal as Appeal Number 20A-UI-03776-AW-T and set an appeal hearing for May 26, 2020.

On May 26, 2020, the claimant and the employer participated in the hearing pertaining to Appeal Number 20A-UI-03776-AW-T. Included in the appeal hearing were the noticed issues of whether the claimant's voluntary quit was without good cause attributable to the employer, whether the claimant was overpaid regular state benefits, whether the employer participated in the fact-finding interview, whether the claimant was required to repay overpaid regular state benefits, and whether the claimant was eligible for FPUC benefits.

On May 29, 2020, the Appeals Bureau mailed the administrative law judge decision in Appeal Number 20A-UI-03776-AW-T to the claimant and to the employer. The administrative law judge reversed the April 30, 2020, reference 01, decision. The administrative law judge held the claimant's voluntary quit was without good cause attributable to the employer. The administrative law judge disqualified the claimant for benefits until the claimant worked in and was paid wages for insured work equal to 10 times his weekly benefit and required the claimant to meet all other eligibility requirements. The administrative law judge held the claimant was overpaid \$2,280.00 in regular unemployment insurance benefits for eight weeks between March 15, 2020 and May 23, 2020. The administrative law judge held the employer participated in the fact-finding interview and, therefore, the claimant was required to repay the \$2,280.00 in overpaid regular benefits. The administrative law judge also concluded that the claimant was overpaid \$3,000.00 in FPUC benefits for the March 29, 2020 through May 2, 2020 and was required to repay the FPUC benefits.

The administrative law judge did not address in Appeal Number 20A-UI-03776-AW-T the additional \$600.00 in FPUC benefits that IWD paid to the claimant for the week that ended May 23, 2020. The ALJ may not have been aware of that additional payment.

IWD records reflect that no appeal to the Employment Appeal Board from the May 29, 2020, administrative law judge decision in Appeal Number 20A-UI-03776-AW-T has been docketed.

On November 20, 2020, an Iowa Workforce Development Benefits Bureau deputy entered the reference 03 overpayment decision from which the claimant appeals in the present matter. The reference 03 decision held the claimant was overpaid \$3,600.00 in Federal Pandemic Unemployment Compensation (FPUC) for a six-week period beginning March 29, 2020 and ending May 23, 2020. A period with that start date and end date would be eight weeks, rather than six weeks. The period in question and the FPUC overpayment amount includes the \$3,000.00 overpayment of FPUC benefits for the five-week period of March 29, 2020 through May 2, 2020 that the administrative law judge addressed in Appeal Number 20A-UI-03776-AW-T. In other words, the reference 03 decision duplicates the administrative law judge's decision concerning overpayment and recovery of \$3,000.00 in FPUC benefits for the period of March 29, 2020 through May 2, 2020. The November 20, 2020, reference 03, decision references the administrative law judge's May 29, 2020 decision, but includes additional erroneous assertions. The reference 03 decision erroneously states that the FPUC overpayment determination was due to the reference 01 decision. The reference 03 decision also erroneously states that the administrative law judge decision *affirmed* the reference 01 decision. The November 20, 2020, reference 03, overpayment decision does appear to address the additional \$600.00 in FPUC benefits paid to the claimant for the week that ended May 23, 2020, an overpayment amount not addressed in the administrative law judge's May 29, 2020 decision.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 96.6 creates the jurisdictional structure and parameters by which unemployment insurance issues are to be decided. The Benefits Bureau serves as the first-level decision maker. The Appeals Bureau serves as the second-level adjudicator. The Employment Appeal Board serves as the third-level adjudicator. Unless appealed in a timely manner and reversed on appeal, a finding of fact or law, judgment, conclusion, or final order made pursuant to this section by an employee or representative of Iowa Workforce Development, administrative law judge, or the Employment Appeal Board, is binding upon the parties in proceedings brought under this chapter. See Iowa Code section 96.6(3) and (4). It causes jurisdictional problems when the Benefits Bureau enters a decision that duplicates an administrative law judge's prior decision.

The issues of whether the claimant was overpaid \$3,000.00 in FPUC benefits for the five weeks between March 29, 2020 and May 2, 2020 and whether the claimant must repay those benefits were adjudicated by the administrative law judge decision in Appeal Number 20A-UI-03776-AW-T. That administrative law judge decision remains in effect. The Benefits Bureau was without jurisdiction to enter the November 20, 2020, reference 03, FPUC overpayment decision to the extent that it duplicated the administrative law judge decision in Appeal Number 20A-UI-03776-AW-T. The undersigned administrative law judge would have no authority to hear what is in essence an appeal from another administrative law judge's decision. The claimant's challenge to the overpayment ruling pertaining to the \$3,000.00 FPUC overpayment for the five weeks between March 29, 2020 and May 2, 2020, which determination originated in the administrative law judge decision in Appeal Number 20A-UI-03776-AW-T, must be directed to the Employment Appeal Board, not the Appeals Bureau.

This matter will be remanded to the Benefits Bureau for deletion of the erroneous and duplicative November 20, 2020, reference 03, decision and for entry of a new overpayment decision specific to the \$600.00 in FPUC benefits paid to the claimant for the week that ended May 23, 2020. *That new overpayment decision should state that it is based on the May 29, 2020 administrative law judge decision that denied benefits for the affected period.*

DECISION:

The administrative law judge ruling in Appeal Number 20A-UI-03776-AW-T, that the claimant was overpaid \$3,000.00 in FPUC benefits for five weeks between March 29, 2020 and May 2, 2020, remains in effect. The November 20, 2020, reference 03, decision largely duplicated that previously adjudicated issue and will remain in place until the Benefits Bureau deletes that erroneous and duplicative decision and enters a new overpayment decision specific to the \$600.00 in FPUC benefits paid to the claimant for the week that ended May 23, 2020.

This matter is **remanded** to the Benefits Bureau for deletion of the November 20, 2020, reference 03, decision and for entry of a new overpayment decision specific to the \$600.00 in FPUC benefits paid to the claimant for the week that ended May 23, 2020. *That new overpayment decision should state that it is based on the May 29, 2020 administrative law judge decision that denied benefits for the affected period.*

A rectangular box containing a handwritten signature in cursive script that reads "James E. Timberland".

James E. Timberland
Administrative Law Judge

January 27, 2021
Decision Dated and Mailed

jet/scn