

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RYAN N HOLSTED
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 22A-UI-06612-DZ-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/29/20
Claimant: Appellant (1)

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
PL116-136, Sec. 2107 – Pandemic Emergency Unemployment Compensation

STATEMENT OF THE CASE:

Ryan N Holsted, the claimant/appellant, filed an appeal from the March 9, 2022, (reference 02) unemployment insurance (UI) decision that concluded he was overpaid Pandemic Emergency Unemployment Compensation (PEUC) benefits in the gross amount of \$2,725.00. The parties were properly notified about the hearing. A telephone hearing was held on April 29, 2022. Mr. Holsted participated personally. The administrative law judge took official notice of the administrative record.

ISSUES:

Has Mr. Holsted been overpaid PEUC benefits?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: Mr. Holsted filed an initial claim for REGULAR (state) UI benefits effective March 29, 2020. Mr. Holsted filed weekly claims and IWD paid Mr. Holsted REGULAR (state) UI benefits on his claim. In relevant part, IWD also paid Mr. Holsted PEUC benefits in the gross amount of \$2,725.00 for 5 weeks between February 7, 2021 and March 27, 2021.

Section 2107 of the CARES Act created a new temporary federal program called Pandemic Emergency Unemployment Compensation (PEUC) that initially provided up to 13 additional weeks of benefits to individuals who have exhausted their regular unemployment compensation entitlement.

Just over one year after he filed his initial claim effective March 29, 2020, and after he had already received PEUC benefits, IWD issued an April 22, 2021 (reference 01) UI decision finding Mr. Holsted not eligible for PEUC benefits as of January 13, 2020. Mr. Holsted appealed the decision to the Iowa Workforce Development Appeals Bureau. The administrative law judge's decision in Appeal 22A-UI-06611-DZ-T, affirmed the reference 01 decision.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes Mr. Holsted has been overpaid PEUC benefits.

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.

PL 116-136 Sec 2107 provides in pertinent part:

PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) FEDERAL-STATE AGREEMENTS. —

(1) **IN GENERAL. —** Any State which desires to do so may enter into and participate in an agreement under this section with the Secretary of Labor (in this section referred to as the "Secretary"). Any State which is a party to an agreement under this section may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(2) PROVISIONS OF AGREEMENT. —

Any agreement under paragraph (1) shall provide that the State agency of the State will make payments of pandemic emergency unemployment compensation to individuals who—

(A) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before July 1, 2019);

(B) have no rights to regular compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law;

(C) are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

(D) are able to work, available to work, and actively seeking work.

Mr. Holsted has been overpaid PEUC benefits in the gross amount of \$2,725.00 for 5 weeks between February 7, 2021 and March 27, 2021. Mr. Holsted has been overpaid these benefits because he is not eligible for PEUC benefit as of January 31, 2021 per the April 22, 2021, (reference 01) decision that was affirmed by the administrative law judge's decision in Appeal 22A-UI-06611-DZ-T. These benefits should be repaid.

DECISION:

The March 9, 2022, (reference 02) unemployment insurance decision is AFFIRMED. Mr. Holsted has been overpaid PEUC benefits in the gross amount of \$2,725.00, which must be repaid.



Daniel Zeno
Administrative Law Judge
Iowa Workforce Development
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax 515-478-3528

May 11, 2022

Decision Dated and Mailed

dz/ac

NOTE TO MR. HOLSTED:

- This decision determines you have been overpaid PEUC benefits. 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.
- **You may also request a waiver of this overpayment 1) by filing an appeal to the EAB, 2) applying for a waiver online, or 3) applying for a waiver in writing by mail.**
- To check on your waiver application call **888-848-7442** or email iwduiatax@iwdiowa.gov
- The **online request form** is available on the Iowa Workforce Development website at: <https://www.iowaworkforcedevelopment.gov/federal-unemployment-insurance-overpayment-recovery>

- The **written request** must include the following information:
 - Your name & address.
 - Decision number/date of decision.
 - Dollar amount of overpayment requested for waiver.
 - Relevant facts that you feel would justify a waiver.

- The request should be sent to:

Iowa Workforce Development
Overpayment waiver request
1000 East Grand Avenue
Des Moines, IA 50319

- If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.