

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ANTHONY J AHLRICHS
Claimant

APPEAL 22A-UI-04475-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 01/03/21
Claimant: Appellant (2)**

PL 116-136 Sec 2104 – Federal Pandemic Unemployment Compensation benefits (FPUC)

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the February 3, 2022 (reference 03) unemployment insurance decision that found claimant was overpaid FPUC benefits in the amount of \$1,200.00 for the weeks between January 3, 2021 and January 30, 2021. The claimant was properly notified of the hearing. A telephone hearing was held on March 23, 2022. The claimant participated personally. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records. The hearing was consolidated with Appeal No. 22A-UI-04473-DB-T and 22A-UI-04474-DB-T.

ISSUE:

Is the claimant overpaid FPUC benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed for regular unemployment insurance benefits effective January 3, 2021. His weekly benefit amount was \$289.00. Between January 3, 2021 and January 30, 2021 the claimant was paid regular unemployment insurance benefits of \$976.00. An unemployment insurance decision was issued on March 19, 2021 (reference 01) which found that the claimant was not eligible for regular unemployment insurance benefits funded by the State of Iowa due to him not being able to and available for work because of an illness. That denial decision was affirmed in Appeal No. 22A-UI-04473-DB-T.

Claimant's administrative records establish that he filed an application for Federal Pandemic Unemployment Assistance (PUA) benefits and was approved for PUA benefits in a decision dated April 22, 2021 finding that PUA benefits were allowed effective January 3, 2021. PUA benefits were allowed at the weekly rate of \$302.00. Claimant's administrative records establish that he has never been paid the PUA benefits he was allowed. Claimant's administrative records establish that he was paid FPUC benefits for four weeks ending January 30, 2021 based upon his initial eligibility for regular unemployment insurance benefits. Claimant's administrative records establish that he was never paid any additional FPUC benefits for the four weeks ending January 30, 2021 based upon his PUA eligibility.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

Iowa Code § 96.3(7)a provides:

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...

PL 116-136 Section 2104 of the CARES Act created a program in which an additional \$600.00 per week was payable to claimants who were eligible for at least \$1.00 per week in benefits stemming from other programs including regular unemployment insurance funded by the State of Iowa, Pandemic Emergency Unemployment Compensation, Pandemic Unemployment Assistance, Iowa Extended benefits, and Trade Act benefits. This initial program ran from March 29, 2020 through July 25, 2020. Claimants were only eligible to receive FPUC payments if they were entitled to receive benefits from another applicable program. The payments of FPUC benefits were automatic so long as a claimant was determined to be eligible under one of the other applicable programs. On December 27, 2020, the Continued Assistance to Unemployed Workers Act of 2020 (CAA) was enacted, which reauthorized the FPUC program for weeks of unemployment beginning after December 26, 2020 and ending on or before March 14, 2021. The CAA modified the weekly supplemental benefit amount from \$600.00 to \$300.00.

On May 11, 2021, Governor Reynolds announced that Iowa would end its participation in federal pandemic-related unemployment benefit programs effective June 12, 2021. The last payable week for FPUC benefits in Iowa was the week ending June 12, 2021.

In this case, the claimant received FPUC benefits from January 3, 2021 through January 30, 2021 initially based upon his eligibility for regular unemployment insurance benefits funded by the State of Iowa. At that time there was no disqualifying decision that found he was not eligible for the regular unemployment insurance benefits. The FPUC benefits were paid in conjunction with and based upon his eligibility for regular unemployment insurance benefits funded by the State of Iowa. As soon as the claimant was disqualified from receipt of regular unemployment insurance benefits pursuant to the decision finding he was not able to and available for work, he was no longer eligible for FPUC benefits based upon regular unemployment eligibility.

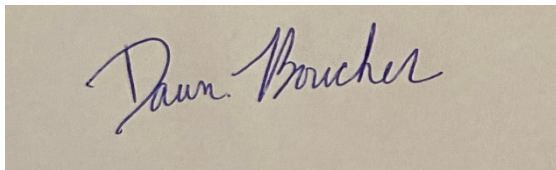
However, the claimant was found to be eligible for PUA benefits for the exact same period of time, January 3, 2021 through January 30, 2021, at a higher weekly benefit amount rate. Claimant has never been paid the PUA benefits he was allowed and has never been paid the FPUC benefits he would have been allowed based upon his PUA eligibility. Because claimant is eligible for PUA benefits for the same period of time he was already paid FPUC benefits, he is not overpaid FPUC benefits in the amount of \$1,200.00 for the weeks between January 3, 2021 and January 30, 2021.

DECISION:

The February 3, 2022 (reference 03) unemployment insurance decision is reversed. The claimant was not overpaid FPUC benefits in the amount of \$1,200.00 for the weeks between January 3, 2021 and January 30, 2021 because he has been found eligible for PUA benefits for those weeks.

REMAND:

Claimant PUA weekly benefit amount is higher than his regular unemployment insurance weekly benefit amount. He has never been paid the PUA benefits that he was found to be eligible for. The non-payment of PUA allowed benefits issue as delineated in the findings of fact is remanded to the Benefits Bureau for review and payment of PUA benefits as stated in claimant's April 22, 2021 PUA eligibility allowance decision.

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Dawn Boucher
Administrative Law Judge

March 25, 2022
Decision Dated and Mailed

db/db