

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

KEITH A MAUK
Claimant

APPEAL NO. 22A-UI-08923-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

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

PL 116-136, Sec. 2104 – Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

On April 8, 2022, Keith Mauk (claimant/appellant) appealed the Iowa Workforce Development (“IWD”) decision dated March 30, 2022 (reference 04) that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation in the amount of \$8,700.00 between June 21, 2020 and May 8, 2021 as a result of a prior decision denying benefits.

A telephone hearing was held on May 24, 2022. The parties were properly notified of the hearing. Appeal Nos. 22A-UI-08919, 22A-UI-08920, 22A-UI-08921, 22A-UI-08923, and 22A-UI-08927 are related and were heard together. Claimant participated personally. Claimant’s wife, Linda Mauk, observed.

No exhibits were offered or admitted. Official notice was taken 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 administrative record shows claimant received FPUC in the amount of \$8,700.00 during the period in question. Claimant was subsequently determined to be disqualified from benefits during that period in a decision dated May 26, 2021. That decision remains in force. See 22A-UI-08919-AD-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the decision dated March 30, 2022 (reference 04) that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation in the amount of \$8,700.00 between June 21, 2020 and May 8, 2021 as a result of a prior decision denying benefits is AFFIRMED.

PL 116-136, 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 American Rescue Plan Act extended FPUC effective December 27, 2020 in the amount of \$300.00 per week and continuing until Iowa ended its participation in the program effective June 12, 2021.

The administrative record shows claimant received FPUC in the amount of \$8,700.00 during the period in question. Claimant was subsequently determined to be disqualified from benefits during that period in a decision dated May 26, 2021. That decision remains in force. See 22A-UI-08919-AD-T.

Because the claimant is disqualified from receiving benefits during the above period he was also ineligible for FPUC during that period. Claimant has therefore been overpaid FPUC in the amount of \$8,700.00.

The administrative law judge notes claimant may wish to apply for a waiver of this overpayment amount. Information on how to apply for a waiver is set forth below.

DECISION:

The decision dated March 30, 2022 (reference 04) that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation in the amount of \$8,700.00 between June 21, 2020 and May 8, 2021 as a result of a prior decision denying benefits is AFFIRMED.



Andrew B. Duffelmeyer
Administrative Law Judge

May 25, 2022
Decision Dated and Mailed

abd/abd

Note to Claimant:

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.

If this decision determines you have been overpaid federal pandemic-related benefits you may request a waiver of the overpayment. Instructions for requesting a waiver 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 do not qualify for regular unemployment insurance benefits and were unemployed between February 2, 2020, and June 12, 2021 for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** To apply for PUA go to <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-appeals> and click the link in the last paragraph under "WHAT TO EXPECT FROM THE HEARING." **The authorization number is the PIN you used for the hearing.**

If this decision becomes final and you are not eligible for PUA, you may have an overpayment of benefits.