

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JONATHAN GOLDSMITH
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 22A-UI-02219-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/12/20
Claimant: Appellant (1R)

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
PL 116-136, Sec. 2104 – Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

Jonathan Goldsmith, the claimant/appellant, filed an appeal (reference 02) from the December 17, 2021 unemployment insurance (UI) decision that concluded he was overpaid Federal Pandemic Unemployment Compensation (FPUC) benefits in the gross amount of \$1,200.00 "for the 7/5/20 week period ending 7/11/20...because of an overpayment decision issued in error indicating you are not eligible to receive benefits during this period." The parties were properly notified about the hearing. A telephone hearing was held on March 1, 2022. Mr. Goldsmith participated and testified. The administrative law judge took official notice of the administrative record.

Mr. Goldsmith requested a continuance of the hearing on the record. The hearing was previously rescheduled at Mr. Goldsmith's request. Mr. Goldsmith did not establish "extreme emergency" to reschedule the hearing for a second time, as is required by Iowa Administrative Code Section 871-26.8(2). The administrative law judge denied Mr. Goldsmith's request to reschedule the hearing for a second time.

ISSUES:

Has Mr. Goldsmith been overpaid FPUC benefits?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: Mr. Goldsmith filed an initial claim for REGULAR UI benefits effective April 12, 2020. Mr. Goldsmith applied for PUA benefits and on April 21, 2020, Iowa Workforce Development (IWD) approved Mr. Goldsmith for PUA benefits as of February 2, 2020. His weekly PUA amount was \$203.00.

FPUC was a program under the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 that provided additional payment to those individuals that are receiving state or federal unemployment insurance payments. It is funded by the federal government, not by state unemployment taxes paid by employers. The Continued Assistance for Unemployed Workers Act of 2020 (enacted December 27, 2020) and American Rescue Act of 2021 (enacted March

11, 2021) extended FPUC benefits for weeks of unemployment to September 6, 2021. The FPUC amount was \$600.00 per week from April 5, 2020 through July 31, 2020. The FPUC amount was \$300.00 per week from December 27, 2020 through September 5, 2021. Governor Reynolds ended Iowa's participation in federal pandemic-related unemployment benefit programs, including the FPUC program, effective June 12, 2021.

On July 14, 2020, IWD sent Mr. Goldsmith a FPUC payment in the gross amount of \$600.00 for the week of July 5-11, 2020. On July 15, 2020, IWD sent Mr. Goldsmith a FPUC payment in the gross amount of \$600.00 for the same week. On July 16, 2020, IWD sent Mr. Goldsmith a FPUC payment in the gross amount of \$600.00 for the same week again.

The administrative record does not show IWD sending Mr. Goldsmith PUA payments, REGULAR UI payments, or FPUC payments for the weeks between February 2, 2020 and April 11, 2020. IWD had sent Mr. Goldsmith REGULAR UI payments in the amount of \$203.00 per week for the 12 weeks between April 12, 2020 and July 4, 2020.

Over one year and eight months after he filed his claim, and over one year and five months after IWD sent him FPUC payments multiple times for the same week, IWD issued the reference 02 decision appealed in this matter. In the reference 02 decision, IWD does not explain to Mr. Goldsmith why it sent him more than one FPUC payment for the same week.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes Mr. Goldsmith has been overpaid FPUC 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.

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...

The reference 02 decision is confusing and misleading. IWD issued a different overpayment decision, also dated December 17, 2021 (reference 01), finding Mr. Goldsmith was overpaid PUA benefits for the week of July 5-11, 2020. Mr. Goldsmith appealed that decision and the administrative law judge's decision in Appeal 22A-UI-02218-DZ-T addresses that decision. However, in this case, whether Mr. Goldsmith is overpaid FPUC benefits for the week of July 5-11, 2020 is not dependent on the reference 01 decision.

IWD sent Mr. Goldsmith three FPUC payments for the week of July 5-11, 2020, even though he was only entitled to receive one FPUC payment for that week. IWD sent Mr. Goldsmith these FPUC payments through no fault of Mr. Goldsmith. However, Mr. Goldsmith received FPUC benefits to which he was not entitled. The law requires recovery of these benefits. IWD overpaid Mr. Goldsmith FPUC benefits in the gross amount of \$1,200.00 for the week of July 5-11, 2020, which should be repaid.

DECISION:

The December 17, 2021, (reference 02) unemployment insurance decision is **AFFIRMED**. IWD overpaid Mr. Goldsmith FPUC benefits in the gross amount of \$1,200.00, which must be repaid.

REMAND:

This matter is **REMANDED** (sent back) to the Benefits Bureau of Iowa Workforce Development to offset the \$1,200.00 FPUC overpayment from the FPUC benefits Mr. Goldsmith may be owed to the greatest extent possible.



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

March 17, 2022
Decision Dated and Mailed

dz/kmj

NOTE TO MR. GOLDSMITH:

- This decision determines you have been overpaid FPUC 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.**
- Information and instructions on filing an appeal with the EAB are on the first page of this decision.
- 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.