

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

COLLEEN M FOLEY JACOBS
Claimant

APPEAL NO. 22A-UI-05671-JT-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

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

Public Law 116-136, §2104 – Federal Pandemic Unemployment Compensation Overpayment

STATEMENT OF THE CASE:

On March 3, 2022, Colleen Foley-Jacobs filed a timely appeal from the February 28, 2022 (reference 03) decision that held the claimant was overpaid \$2,400.00 in Federal Pandemic Unemployment Compensation (FPUC) benefits for four weeks between March 29, 2020 and April 25, 2020, due to the reference 01 decision regarding the claimant's voluntary quit from Hy-Vee. After due notice was issued, a hearing was held on April 14, 2022. Claimant participated. There were three appeal numbers set for a consolidated hearing: 22A-UI-05667-JT-T, 22A-UI-05669-JT-T, and 22A-UI-05671-JT-T. Exhibit A was received into evidence. The administrative law judge took official notice of the reference 01, 02 and 03 decisions. The administrative law judge took official notice of the Agency administrative record of benefits paid to the claimant (DBRO, KPYX). The administrative law judge took official notice of the absence of the application for Pandemic Unemployment Assistance (PUA), the absence of a decision allowing PUA, and of the KPY1 record reflecting no PUA benefits were paid to the claimant.

ISSUE:

Whether the claimant was overpaid \$2,400.00 in Federal Pandemic Unemployment Compensation (FPUC) benefits for four weeks between March 29, 2020 and April 25, 2020.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

The claimant, Colleen Foley-Jacobs, established an original claim for benefits that was effective March 29, 2020. Iowa Workforce Development set the weekly benefit amount for regular state benefits at \$131.00. The claimant received that amount in regular benefits for each of the four weeks between March 29, 2020 and April 25, 2020. The regular state benefits paid to the claimant totaled \$524.00. For each of the same four weeks, Iowa Workforce Development also paid the claimant \$600.00 in Federal Pandemic Unemployment Compensation (FPUC) benefits. The FPUC benefits paid to the claimant totaled \$2,400.00. The claimant's eligibility for FPUC benefits was contingent upon her eligibility for regular state benefits for the same week. The

claimant did not apply for and was not approved for Pandemic Unemployment Assistance (PUA) benefits.

On March 22, 2021, Iowa Workforce Development Benefits Bureau entered the March 22, 2021 (reference 01) decision that disqualified the claimant for benefits, based on the deputy's conclusion that the claimant voluntarily quit her Hy-Vee employment on March 3, 2020 without good cause attributable to the employer. IWD did not enter a decision regarding whether the claimant was able to work and/or available for work. The reference 01 decision prompted and is the basis for the overpayment decision from which the claimant appeals in the present matter. The reference 01 decision has been affirmed in Appeal Number 22A-UI-05667-JT-T, based on an untimely appeal in that matter.

REASONING AND CONCLUSIONS OF LAW:

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 \$600.00 (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.

(3) Recovery by state agency —

(A) In general.—The State agency shall recover the amount to be repaid, or any part thereof, by deductions from any Federal Pandemic

Unemployment Compensation payable to such individual or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the Federal Pandemic Unemployment Compensation to which they were not entitled, in accordance with the same procedures as apply to the recovery of overpayments of regular unemployment benefits paid by the State.

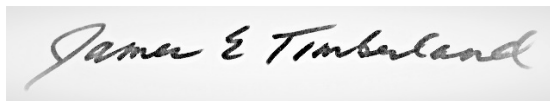
(B) Opportunity for hearing.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(4) Review.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

Because the reference 01 decision disqualified the claimant for benefits and remains in effect, the \$2,400.00 in FPUC benefits the claimant received for the four weeks between March 29, 2020 and April 25, 2020 is an overpayment of benefits. The claimant must repay the overpaid FPUC benefits unless the claimant applies for and is approved for waiver of repayment of FPUC benefits. See below.

DECISION:

The February 28, 2022 (reference 03) decision is **AFFIRMED** as follows. The claimant was overpaid \$2,400.00 in FPUC benefits for four weeks between March 29, 2020 and April 25, 2020, due to the March 22, 2021 (reference 01) decision that disqualified the claimant for benefits in connection with a March 3, 2020 voluntary quit from Hy-Vee, Inc. The claimant must repay the overpaid FPUC benefits unless the claimant applies for and is approved for waiver of repayment of FPUC benefits. See below.



James E. Timberland
Administrative Law Judge

April 20, 2022
Decision Dated and Mailed

jet/kmj

Note to Claimant:

This decision determines you have been overpaid FPUC under the CARES Act. 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. Additionally, instructions for requesting a waiver of this overpayment can be found at <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment>. If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.