

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**STEPHANIE J ERICKSON**  
Claimant

**APPEAL NO. 22A-UI-00191-AD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 03/22/20**  
**Claimant: Appellant (1)**

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Public Law 116-136, Section 2107 – Pandemic Emergency Unemployment Compensation

**STATEMENT OF THE CASE:**

On November 19, 2021, Stephanie Erickson (claimant/appellant) appealed the decision dated November 12, 2021 (reference 05) that concluded the claimant was overpaid Pandemic Emergency Unemployment Compensation (PEUC) in the amount of \$2,950.00 for the 25-week period ending March 20, 2021 as a result of a disqualification decision.

A telephone hearing was held on January 24, 2022, pursuant to due notice. Claimant participated personally. The administrative law judge took official notice of the administrative record.

**ISSUE:**

Was the claimant overpaid Pandemic Emergency Unemployment Compensation (PEUC)?

**FINDINGS OF FACT:**

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

The administrative record shows claimant received PEUC in the amount of \$118.00 per week for a total of 25 weeks, from the benefit week ending September 19, 2020 and continuing through the benefit week ending December 12, 2020 and from the benefit week ending January 2, 2021 through the benefit week ending March 20, 2021. The total amount of PEUC paid during this period is \$2,950.00.

Claimant was subsequently determined to be disqualified from benefits based on an August 5, 2020 separation from employment in a decision dated May 17, 2021. That decision remains in force. See 21A-UI-13965-JC-T; 21B-UI-13965; 22A-UI-00189-AD-T.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons set forth below, the decision dated November 12, 2021 (reference 05) that concluded the claimant was overpaid Pandemic Emergency Unemployment Compensation

(PEUC) in the amount of \$2,950.00 for the 25-week period ending March 20, 2021 as a result of a disqualification decision is AFFIRMED.

PL116-136, Sec. 2107 provides, in pertinent part:

(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.

...

(e) FRAUD AND OVERPAYMENTS.—

(2) REPAYMENT.—In the case of individuals who have received amounts of pandemic emergency unemployment compensation under this section to which they were not entitled, the State shall require such individuals to repay the amounts of such pandemic emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(A) the payment of such pandemic emergency 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 pandemic emergency unemployment compensation payable to such individual under this section 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 pandemic emergency 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.

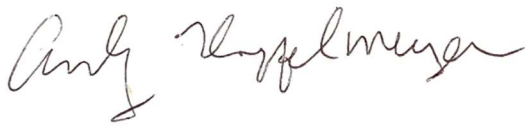
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Because the claimant is disqualified from receiving regular unemployment insurance (UI) benefits she is ineligible for PEUC. Claimant has therefore been overpaid PEUC in the amount of \$2,950.00.

**DECISION:**

The decision dated November 12, 2021 (reference 05) that concluded the claimant was overpaid Pandemic Emergency Unemployment Compensation (PEUC) in the amount of \$2,950.00 for the 25-week period ending March 20, 2021 as a result of a disqualification decision is AFFIRMED.



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Andrew B. Duffelmeyer  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515) 478-3528

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February 11, 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.