

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RUSSELL R BRIMEYER
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**APPEAL 22A-UI-03714-JC-T
ADMINISTRATIVE LAW JUDGE
DECISION**

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

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
PL 116-136 – Federal Pandemic Emergency Unemployment Compensation (PEUC)

STATEMENT OF THE CASE:

The claimant filed an appeal from the January 18, 2022, (reference 03) unemployment insurance decision that concluded he was overpaid \$10,516.00 in PEUC benefits. After proper notice, a telephone hearing was conducted on April 27, 2022. The hearing was held together with Appeals 22A-UI-03712-JC-T and 22A-UI-03715-JC-T, and 22A-UI-03716-JC-T. The claimant participated. Official notice of the administrative records was taken.

ISSUES:

Has the claimant been overpaid any unemployment insurance benefits?
Is the claimant overpaid Federal Pandemic Emergency Unemployment Compensation (PEUC)?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant filed a new claim for unemployment insurance benefits with an effective date of March 29, 2020.

The claimant received federal unemployment insurance benefits through Federal Pandemic Emergency Unemployment Compensation (PEUC). Claimant received \$10, 516.00 in federal benefits for the period of August 9, 2020 and February 27, 2021.

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been affirmed in a decision of the administrative law judge in appeal 21A-UI-07568-X-T.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was overpaid PEUC benefits.

Iowa Code section 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.

PL 116-136 Sec 2107 provides in pertinent part:

PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION.

(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 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 terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof (including terms and conditions relating to availability for work, active search for work, and refusal to accept work) shall apply to claims for pandemic emergency unemployment compensation and the payment thereof, except where otherwise inconsistent with the provisions of this section or with the regulations or operating instructions of the Secretary promulgated to carry out this section... See PL 116-136 Sec 2107 (4)(B).

Since the decision disqualifying the claimant has been affirmed, this also disqualifies claimant from receiving Federal Pandemic Emergency Unemployment Compensation (PEUC). The

claimant was overpaid \$10,516.00 in Federal Pandemic Emergency Unemployment Compensation (PEUC).

This decision determines you are overpaid benefits, and the administrative law judge lacks authority to waive the overpayment. 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-and-recovery>. If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.

DECISION:

The unemployment insurance decision dated January 18, 2022, (reference 03), is affirmed. The claimant was overpaid \$10,516.00 in Federal Pandemic Emergency Unemployment Compensation (PEUC).



Jennifer L. Beckman
Administrative Law Judge
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May 9, 2022
Decision Dated and Mailed

jlb/scn

Note to Claimant:

You may find additional information about food, housing, and other resources at <https://covidrecoveryiowa.org/> or at <https://dhs.iowa.gov/node/3250>