IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU

TERENCE W RIGBY Claimant **IOWA WORKFORCE DEVELOPMENT DEPARTMENT**	**APPEAL 21A-UI-18619-AW-T** **ADMINISTRATIVE LAW JUDGE DECISION** **OC: 04/12/20 Claimant: Appellant (1)**

Iowa Code § 96.6(3) – Appeals
PL 116-136, Sec. 2104 – Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

Claimant filed an appeal from the August 11, 2021 (reference 03) unemployment insurance decision that found claimant was overpaid Federal Pandemic Unemployment Compensation (FPUC) benefits. Claimant was properly notified of the hearing. A telephone hearing was held on October 15, 2021 at 1:30 p.m. Claimant participated. Claimant's Exhibit A was admitted. Official notice was taken of the administrative record.

ISSUE:

Whether claimant is overpaid FPUC benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: An Administrative Law Judge's decision issued on August 10, 2020 (appeal number 20A-UI-07145-DB-T) found claimant was overpaid FPUC in the amount of $9,000.00 for the 15-week period between April 12, 2020 and July 25, 2020. That decision has not been appealed and, thus, remains in effect.

The decision issued August 11, 2021 (reference 03) finds claimant was overpaid FPUC benefits in the amount of $9,000.00 for the 15-week period between April 12, 2020 and July 25, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes:

Iowa Code section 96.6(3) provides:

> 3. Appeals. a. Unless the appeal is withdrawn, an administrative law judge, after affording the parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact and decision of the representative. The hearing shall be conducted pursuant to the provisions of chapter 17A relating to hearings for contested cases. Before the hearing is scheduled, the parties shall be afforded the opportunity to choose

either a telephone hearing or an in-person hearing. A request for an in-person hearing shall be approved unless the in-person hearing would be impractical because of the distance between the parties to the hearing. The notice for a telephone or in-person hearing shall be sent to all the parties at least ten calendar days before the hearing date. Reasonable requests for the postponement of a hearing shall be granted. The parties shall be duly notified of the administrative law judge's decision, together with the administrative law judge's reasons for the decision, which is the final decision of the department, unless within fifteen days after the date of notification or mailing of the decision, further appeal is initiated pursuant to this section.

b. Appeals from the initial determination shall be heard by an administrative law judge employed by the department. An administrative law judge's decision may be appealed by any party to the employment appeal board created in section 10A.601. The decision of the appeal board is final agency action and an appeal of the decision shall be made directly to the district court.

The overpayment at issue has already been adjudicated and is final. Therefore, this overpayment decision should be affirmed.

DECISION:

The August 11, 2021 (reference 03) unemployment insurance decision is affirmed.

_____
Adrienne C. Williamson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

October 22, 2021_____
Decision Dated and Mailed

acw/ol

NOTE TO CLAIMANT: This decision determines you have been overpaid benefits 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-and-recovery. If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.