

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JODI KURIMSKI
Claimant

APPEAL NO. 22R-UI-01023-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 08/25/19
Claimant: Appellant (4)

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

STATEMENT OF THE CASE:

This matter is before the administrative law judge pursuant an Employment Appeal Board remand after the claimant withdrew her appeal from the reference 05 decision and the Employment Appeal Board granted the claimant's request to reinstate her appeal from the reference 05 decision.

Claimant, Jodi Kurimski, had filed a timely appeal from the March 2, 2021, reference 05, decision that held she was overpaid \$5,400.00 in Federal Pandemic Unemployment Compensation for nine weeks between April 5, 2020 and June 6, 2020, due to an August 24, 2020 administrative decision that denied benefits in connection with a determination that the clamant was not able and/or not available for work during that period. After due notice was issued, a hearing was held on February 3, 2022. Claimant participated. There were three appeal numbers set for a consolidated hearing 22R-UI-01022-JTT, 22R-UI-01023-JTT and 22R-JUI-01024-JTT. Exhibit A, the March 12, 2021 emailed appeal, was received into evidence. The administrative law judge took official notice of the following Agency administrative records: DBRO, KPYX, KCCO, NMRO, the reference 02, 03, 04, 05, 06 decisions, the administrative law judge decisions in Appeal Numbers 20A-UI-06982-AW-T and 20A-UI-15632-SC-T, the Employment Appeal Board decision in Hearing Number 20B-UI-06982, the application for PUA, the Assessment for PUA Benefits decision, the PUA Claim Detail, and the July 21, 2021 denial of waiver of \$7,800.00 FPUC overpayment.

ISSUE:

Whether the claimant was overpaid \$5,400.00 in Federal Pandemic Unemployment Compensation for nine weeks between April 5, 2020 and June 6, 2020.

FINDINGS OF FACT:

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

The claimant, Jodi Kurimski, established an original claim for regular state benefits that was effective August 25, 2019 and an "additional claim" for benefits that was effective March 22, 2020. This matter concerns the additional claim for benefits. Iowa Workforce Development set

the weekly benefit amount for regular state benefits at \$251.00. The claimant requested that regular federal and Iowa taxes be withheld from the benefits paid to her. In connection with the March 22, 2020 additional claim, the claimant reported wages and received regular state benefits as follows:

PAYMENT-RECORDS . .				***** UI *****		***** FE *****			
BWE-DATE	RPT-CODE	AMT-RP	ISSUE-DT	P	PAY-CODE	AMOUNT	PAY-CODE	AMOUNT	PGM
03/28/20	CLEAR	.00	04/06/20	2	PAID-DC	251.00		.00	01
04/04/20	CLEAR	.00	04/06/20	2	PAID-DC	251.00		.00	01
04/11/20	CLEAR	.00	04/13/20	2	PAID-DC	251.00		.00	01
04/18/20	CLEAR	.00	04/20/20	2	PAID-DC	251.00		.00	01
04/25/20	CLEAR	.00	04/27/20	2	PAID-DC	251.00		.00	01
05/02/20	CLEAR	.00	05/04/20	2	PAID-DC	251.00		.00	01
05/09/20	CLEAR	.00	05/11/20	2	PAID-DC	251.00		.00	01
05/16/20	CLEAR	.00	05/18/20	2	PAID-DC	251.00		.00	01
05/23/20	CLEAR	.00	05/26/20	2	PAID-DC	251.00		.00	01
05/30/20	CLEAR	.00	06/01/20	2	PAID-DC	251.00		.00	01
06/06/20	OVER15	77.00	06/08/20	2	PAID-DC	236.00		.00	01
06/13/20	OVER15	315.00	08/17/20	2	PAID-W	.00		.00	01
06/20/20	OVER15	275.00	08/17/20	2	PAID-W	.00		.00	01
06/27/20	OVER15	245.00	08/17/20	2	PAID-DC	68.00		.00	01
07/04/20	OVER15	100.00	08/17/20	2	PAID-DC	213.00		.00	01
07/11/20	CLEAR	.00	08/17/20	2	PAID-DC	251.00		.00	01
07/18/20	OVER15	200.00	08/17/20	2	PAID-DC	113.00		.00	01

The regular state benefits paid to the claimant for the period of April 5, 2020 through July 18, 2020 totaled \$2,889.00.

In connection with the regular benefits disbursed for the period of March 22, 2020 through July 18, 2020, the claimant also received \$600.00 in weekly Federal Pandemic Unemployment Compensation (FPUC) for the period of March 29, 2020 through July 18, 2020 as follows:

DRF-ISSUED	NET-PAID	PAY-METHOD	LAST-BWED	CHILD-SP	FEDERAL	IOWA	YEAR
04/14/2020	510.00	DEBIT-CARD	04/11/2020	0.00	60.00	30.00	2020
04/21/2020	510.00	DEBIT-CARD	04/18/2020	0.00	60.00	30.00	2020
04/28/2020	510.00	DEBIT-CARD	04/25/2020	0.00	60.00	30.00	2020
04/29/2020	510.00	DEBIT-CARD	04/04/2020	0.00	60.00	30.00	2020
05/05/2020	510.00	DEBIT-CARD	05/02/2020	0.00	60.00	30.00	2020
05/12/2020	510.00	DEBIT-CARD	05/09/2020	0.00	60.00	30.00	2020
05/19/2020	510.00	DEBIT-CARD	05/16/2020	0.00	60.00	30.00	2020
05/27/2020	510.00	DEBIT-CARD	05/23/2020	0.00	60.00	30.00	2020
06/02/2020	510.00	DEBIT-CARD	05/30/2020	0.00	60.00	30.00	2020
06/09/2020	510.00	DEBIT-CARD	06/06/2020	0.00	60.00	30.00	2020
08/18/2020	2040.00	DEBIT-CARD	07/18/2020	0.00	240.00	120.00	2020

The FPUC benefits disbursed for the period of March 29, 2020 through July 18, 2020 totaled \$8,400.00. The FPUC benefits disbursed for the nine weeks between April 5, 2020 and June 6, 2020 totaled \$5,400.00.

On August 24, 2020, an administrative law judge entered a decision in Appeal Number 20A-UI-06982-AW-T denied benefits effective April 5, 2020, based on the determination that the claimant was not available for work effective April 5, 2020. The claimant appealed the administrative law judge's decision. See Hearing Number 20B-UI-06982. On September 22, 2020, the Employment Appeal Board affirmed the administrative law judge's decision. The claimant did not file a petition for judicial review to challenge the Employment Appeal Board's decision and that decision became final.

On November 3, 2020, Iowa Workforce Development Benefits Bureau issued a reference 03 decision that disqualified the claimant for benefits, based on the deputy's conclusion that the claimant voluntarily quit employment with Mary's Inn on June 18, 2020 without good cause attributable to the employer. On November 10, 2020, the claimant filed a timely appeal from the reference 03 decision. See Appeal Number 20A-UI-15632-SC-T. On February 10, 2021, an administrative law judge entered a decision that affirmed the reference 03 decision and the disqualification for benefits, based on the June 18, 2020 voluntary quit without good cause attributable to the employer. The claimant did not appeal the administrative law judge's decision and the decision became final.

On August 17, 2020, the claimant filed an application for Pandemic Unemployment Assistance (PUA) benefits. On March 3, 2021, Iowa Workforce Development Benefits Bureau issued a decision allowing \$251.00 in weekly PUA benefits for the period beginning March 22, 2020. The Claim Detail associated with the PUA decision indicates PUA benefits were allowed through July 4, 2020.

Iowa Workforce Development Benefits Bureau has not yet "worked" the claim to implement the PUA allowance decision.

On January 19, 2021, an Iowa Workforce Development Benefits Bureau deputy entered a reference 04 decision that held the claimant was overpaid \$2,889.00 in regular state benefits for 13 weeks between April 5, 2020 and July 18, 2020, based on the August 24, 2020 administrative law judge decision. The reference 04 decision has been affirmed in Appeal Number 22R-UI-01022-JTT, 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 (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.

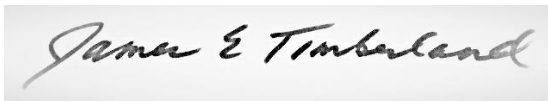
(B) Opportunity for hearing.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(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.

In light of the August 24, 2020 administrative law judge decision that denied state benefits effective April 5, 2020, based on the determination that the claimant was not available for work, the claimant would not be eligible for FPUC benefits for the period of April 5, 2020 through June 6, 2020 to the extent the FPUC benefits are based on eligibility for state benefits. However, Iowa Workforce Development has approved the claimant for PUA benefits for a period that includes April 5, 2020 through June 6, 2020. Based on the PUA eligibility, the \$5,400.00 in FPUC benefits the claimant received for the nine weeks between April 5, 2020 and June 6, 2020 is not an overpayment of FPUC benefits.

DECISION:

The March 2, 2021, reference 05, decision is modified in favor of the claimant/appellant as follows. In light of the August 24, 2020 administrative law judge decision that denied state benefits effective April 5, 2020, the claimant would not be eligible for FPUC benefits for the period of April 5, 2020 through June 6, 2020 *to the extent the FPUC benefits are based on eligibility for state benefits*. However, *based on the PUA eligibility* effective March 22, 2020, the claimant would also be eligible for the \$5,400.00 in FPUC benefits the claimant received for the nine weeks between April 5, 2020 and June 6, 2020. Accordingly, the \$5,400.00 in FPUC benefits the claimant received for the nine weeks between April 5, 2020 and June 6, 2020 is not an overpayment of benefits. The claimant is not required to repay those benefits.



James E. Timberland
Administrative Law Judge

February 23, 2022
Decision Dated and Mailed

jet/mh