

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

---

**MIRANDA J COPPI**  
Claimant

**APPEAL 22A-UI-10428-DB-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 04/05/20**  
**Claimant: Appellant (4R)**

---

Iowa Code § 96.3(7) – Overpayment of Benefits  
PL 116-136 Section 2104 – Federal Pandemic Unemployment Compensation (FPUC)  
Iowa Code § 96.6(2) – Timeliness of Appeal

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the January 23, 2021 (reference 04) unemployment insurance decision that found claimant was overpaid FPUC benefits in the amount of \$7,200.00 for the weeks between April 5, 2020 and July 4, 2020. The claimant was properly notified of the hearing. A telephone hearing was held on June 9, 2022. The claimant participated personally. Cristina Coppi participated as a witness for the claimant. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records. The hearing was consolidated with Appeal No. 22A-UI-10426-DB-T and 22A-UI-10427-DB-T.

**ISSUES:**

Did the claimant file a timely appeal?  
Was the claimant overpaid FPUC benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: An unemployment insurance benefits decision was issued on January 23, 2021 (reference 04) and mailed to the claimant's correct address of record. The claimant received the decision in the mail. Claimant and her mother made numerous attempts to contact Iowa Workforce Development (IWD) about the overpayment of benefits and her PUA decision allowance and was told each time to just wait until the agency was able to fix her account. To date, no PUA benefits have been paid to the claimant from April 5, 2020 through July 4, 2020. The claimant filed an appeal to a tax offset decision on April 25, 2022.

Claimant filed a claim for State of Iowa funded unemployment insurance benefits effective April 5, 2020. Her established weekly-benefit amount was \$87.00. She filed weekly-continued claims from April 5, 2020 through July 4, 2020 due to COVID-19 related reduction in hours worked. She received regular unemployment insurance benefits of \$452.00 from April 5, 2020 through July 4, 2020. She was found ineligible for regular unemployment insurance benefits in a decision issued on July 30, 2020 (reference 02). On February 8, 2021, the claimant was

found eligible for Pandemic Unemployment Assistance (PUA) benefits effective April 5, 2020 and continuing at the weekly-benefit amount of \$203.00. Claimant's State of Iowa income tax refund was withheld due to the established overpayment of regular unemployment insurance benefits in the amount of \$452.00. This tax refund that was withheld exceeded \$50.00.

Claimant's administrative records establish that she has not been paid any PUA benefits from April 5, 2020 through July 4, 2020 to date, even though she was found eligible for those benefits more than a year ago. Her weekly-benefit amount for PUA benefits is greater than her weekly-benefit amount for regular State of Iowa funded unemployment insurance benefits. Any payment of PUA benefits would be subject to an offset of the overpayment of regular unemployment insurance benefits that were paid to her of \$452.00. Claimant would also be eligible for any Federal Pandemic Unemployment Compensation (FPUC) benefits that were paid as a supplement to her PUA benefits. The matter of payment of PUA benefits and FPUC benefits as a supplement to PUA benefits shall be remanded to the Benefits Bureau for an initial investigation and payment.

### **REASONING AND CONCLUSIONS OF LAW:**

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

The first issue is whether the claimant's appeal shall be considered timely. The administrative law judge finds that it shall be considered timely.

Iowa Code section 96.6(2) provides:

2. Initial determination. A representative designated by the director shall promptly notify all interested parties to the claim of its filing, and the parties have ten days from the date of issuing the notice of the filing of the claim to protest payment of benefits to the claimant. All interested parties shall select a format as specified by the department to receive such notifications. The representative shall promptly examine the claim and any protest, take the initiative to ascertain relevant information concerning the claim, and, on the basis of the facts found by the representative, shall determine whether or not the claim is valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and its maximum duration, and whether any disqualification shall be imposed. The claimant has the burden of proving that the claimant meets the basic eligibility conditions of section 96.4. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to section 96.5, except as provided by this subsection. The claimant has the initial burden to produce evidence showing that the claimant is not disqualified for benefits in cases involving section 96.5, subsections 10 and 11, and has the burden of proving that a voluntary quit pursuant to section 96.5, subsection 1, was for good cause attributable to the employer and that the claimant is not disqualified for benefits in cases involving section 96.5, subsection 1, paragraphs "a" through "h". Unless the claimant or other interested party, after notification or within ten calendar days after notification was issued, files an appeal from the decision, the decision is final and benefits shall be paid or denied in accordance with the decision. If an administrative law judge affirms a decision of the representative, or the appeal board affirms a decision of the administrative law judge allowing benefits, the benefits shall be paid regardless of any appeal which is thereafter taken, but if the decision is finally reversed, no employer's account shall be charged with benefits so paid and this relief from charges shall apply to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

Iowa Admin. Code r. 871-24.35(2) provides:

Date of submission and extension of time for payments and notices.

(2) The submission of any payment, appeal, application, request, notice, objection, petition, report or other information or document not within the specified statutory or regulatory period shall be considered timely if it is established to the satisfaction of the division that the delay in submission was due to division error or misinformation or to delay or other action of the United States postal service.

a. For submission that is not within the statutory or regulatory period to be considered timely, the interested party must submit a written explanation setting forth the circumstances of the delay.

b. The division shall designate personnel who are to decide whether an extension of time shall be granted.

c. No submission shall be considered timely if the delay in filing was unreasonable, as determined by the department after considering the circumstances in the case.

d. If submission is not considered timely, although the interested party contends that the delay was due to division error or misinformation or delay or other action of the United States postal service, the division shall issue an appealable decision to the interested party.

The ten calendar days for appeal begins running on the mailing date. The "decision date" found in the upper right-hand portion of the representative's decision, unless otherwise corrected immediately below that entry, is presumptive evidence of the date of mailing. *Gaskins v. Unempl. Comp. Bd. of Rev.*, 429 A.2d 138 (Pa. Comm. 1981); *Johnson v. Bd. of Adjustment*, 239 N.W.2d 873, 92 A.L.R.3d 304 (Iowa 1976). In this case, the claimant received the decision in the mail but was told by an IWD representative on multiple occasions that her case would be handled internally. As such, the appeal shall be considered timely pursuant to Iowa Admin. Code r. 871-24.35(2)(division misinformation).

The next issue is whether the claimant was overpaid FPUC benefits. The administrative law judge finds that she was overpaid FPUC benefits as a supplement to regular unemployment insurance benefits but would also be entitled to FPUC benefits for the same weeks due to her PUA allowance decision.

Iowa Code § 96.3(7)a provides:

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.

(emphasis added).

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...

PL 116-136 Section 2104 of the CARES Act created a program in which an additional \$600.00 per week was payable to claimants who were eligible for at least \$1.00 per week in benefits stemming from other programs including regular unemployment insurance funded by the State of Iowa, Pandemic Emergency Unemployment Compensation, Pandemic Unemployment Assistance, Iowa Extended benefits, and Trade Act benefits. This initial program ran from March 29, 2020 through July 25, 2020. Claimants were only eligible to receive FPUC payments if they were entitled to receive benefits from another applicable program. The payments of FPUC benefits were automatic so long as a claimant was determined to be eligible under one of the other applicable programs. On December 27, 2020, the Continued Assistance to Unemployed Workers Act of 2020 (CAA) was enacted, which reauthorized the FPUC program for weeks of unemployment beginning after December 26, 2020 and ending on or before March 14, 2021. The CAA modified the weekly supplemental benefit amount from \$600.00 to \$300.00. On May 11, 2021, Governor Reynolds announced that Iowa would end its participation in federal pandemic-related unemployment benefit programs effective June 12, 2021. The last payable week for FPUC benefits in Iowa was the week ending June 12, 2021.

In this case, the claimant received FPUC benefits from April 5, 2020 through July 4, 2020 because at that time there was no disqualifying decision that found she was not eligible for the regular unemployment insurance benefits. The FPUC benefits were paid in conjunction with and based upon her eligibility for regular unemployment insurance benefits funded by the State of Iowa. As soon as the claimant was disqualified from receipt of regular unemployment insurance benefits, she was no longer eligible for FPUC benefits as a supplement to regular unemployment insurance.

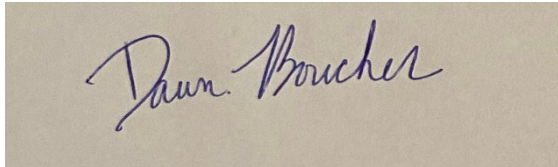
However, the claimant has been found eligible for PUA benefits for the weeks of April 5, 2020 through July 4, 2020. FPUC benefits are paid as a supplement to PUA benefits as well. Therefore, claimant is not overpaid FPUC benefits because she was entitled to FPUC benefits during the weeks of April 5, 2020 through July 4, 2020 based upon her PUA benefit eligibility.

**DECISION:**

The appeal shall be considered timely. The January 23, 2021 (reference 04) unemployment insurance decision is modified in favor of the claimant. The claimant was not overpaid FPUC benefits of \$7,200.00 for the weeks between April 5, 2020 and July 4, 2020 because she had been found eligible for PUA benefits during that same time period.

**REMAND:**

The issue of claimant's non-payment of PUA benefits effective April 5, 2020 and continuing for the weekly-benefit amount of \$203.00 is remanded to the Benefits Bureau for an initial investigation and payment to claimant.

A rectangular area containing a handwritten signature in blue ink that reads "Dawn Boucher".

---

Dawn Boucher  
Administrative Law Judge

June 14, 2022  
Decision Dated and Mailed

db/db