

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building
Fourth floor
Des Moines, Iowa 50319**

NAING W AUNG

Claimant

and

SWIFT PORK COMPANY

Employer

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HEARING NUMBER: 20B-UI-08503

**EMPLOYMENT APPEAL BOARD
DECISION**

NOTICE

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT** IS FILED WITHIN **30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.6-2, 96.4-3

DECISION

UNEMPLOYMENT BENEFITS ARE DENIED

The Claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board, one member dissenting, finds the administrative law judge's decision is correct. The administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED**.

The Board notes the administrative law judge determined the Claimant had an overpayment of regular unemployment benefits; and remanded the case for further investigation into whether a Federal Pandemic Unemployment Compensation (FPUC) overpayment exists. While the Claimant will be obligated to repay the regular unemployment benefits already received, it is possible the Claimant may obtain a waiver *only* of the FPUC overpayment. In order to find out if he is eligible for such a waiver, the Claimant must contact the Iowa Workforce Development, Benefits Bureau, to request such a waiver.

Lastly, the Board would comment that our decision does not affect the Claimant's application for PUA benefits.

Ashley R. Koopmans

James M. Strohman

CONCURRING OPINION OF MYRON R. LINN:

I agree with my fellow board members that the Claimant's application for a hearing should be denied. However, I would not agree with the comment regarding the waiver request for the FPUC overpayment.

Myron R. Linn

AMG/fnv