

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**JORDAN M GORSKI**  
Claimant

**APPEAL 21A-UI-24528-AD-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 04/05/20**  
**Claimant: Appellant (1)**

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Iowa Code § 96.6(2) – Filing – Timely Appeal  
PL116-136, Sec. 2104(f)(2) – Overpayment of Federal Pandemic Unemployment Compensation

**STATEMENT OF THE CASE:**

On November 29, 2021, Jordan Gorski (claimant/appellant) filed an appeal from the decision dated October 26, 2021 (reference 04) that determined claimant was overpaid Federal Pandemic Unemployment Compensation in the amount of \$2,400.00 for a four-week period ending July 25, 2020 based on a decision denying benefits.

A telephone hearing was held on January 4, 2022. The parties were properly notified of the hearing. Claimant participated personally. Official notice was taken of the administrative record.

**ISSUE(S):**

- I. Is the appeal timely?
- II. Was the claimant overpaid Federal Pandemic Unemployment Compensation (FPUC)?

**FINDINGS OF FACT:**

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

The administrative record shows claimant received FPUC in the amount of \$600.00 per week for a total of four weeks between the benefit week ending July 4, 2020 and the benefit week ending July 25, 2020. The total amount of FPUC paid during this period is \$2,400.00.

Claimant was subsequently determined to be disqualified from benefits in a decision dated January 12, 2021. That decision remains in force. See 21A-UI-24526-AD-T.

Claimant filed an appeal from related matters on November 1, 2021. However, this matter was not identified and docketed at that time due to administrative error and/or delay.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge finds the appeal is timely. The decision dated October 26, 2021 (reference 04) that determined claimant was overpaid Federal Pandemic Unemployment Compensation in the amount of \$2,400.00 for a four-week period ending July 25, 2020 based on a decision denying benefits is AFFIRMED.

As an initial matter, the administrative law judge finds the appeal is timely. Claimant filed an appeal from related matters on November 1, 2021. This was within the 10-day timeframe to appeal. However, this matter was not identified and docketed at that time due to administrative error and/or delay. The administrative law judge therefore has jurisdiction to address the underlying issues.

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.

The administrative record shows claimant received FPUC in the amount of \$600.00 per week for a total of four weeks between the benefit week ending July 4, 2020 and the benefit week ending July 25, 2020. The total amount of FPUC paid during this period is \$2,400.00.

Claimant was subsequently determined to be disqualified from benefits in a decision dated January 12, 2021. That decision remains in force. See 21A-UI-24526-AD-T.

Because the claimant is disqualified from receiving regular unemployment insurance (UI) benefits during the above period she is ineligible for FPUC during that period. Claimant has therefore been overpaid FPUC in the amount of \$2,400.00.

**DECISION:**

The administrative law judge finds the appeal is timely. The decision dated October 26, 2021 (reference 04) that determined claimant was overpaid Federal Pandemic Unemployment Compensation in the amount of \$2,400.00 for a four-week period ending July 25, 2020 based on a decision denying benefits is AFFIRMED.



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Andrew B. Duffelmeyer  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515) 478-3528

January 27<sup>th</sup>, 2022  
Decision Dated and Mailed

abd/abd

**Note to Claimant:**

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.

If this decision determines you have been overpaid federal CARES Act benefits you may request a waiver of the overpayment. Instructions for requesting a waiver 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.

Individuals who are disqualified from or are otherwise ineligible for **regular** unemployment insurance benefits but who are unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.