

**IOWA DEPARTMENT OF INSPECTIONS AND APPEALS
ADMINISTRATIVE HEARINGS DIVISION, UI APPEALS BUREAU**

AMANDA C NEY
Claimant

APPEAL 22A-UI-09962-DH-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 01/24/21
Claimant: Appellant (1)**

PL 116-136, Sec. 2104 - Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

Amanda Ney, claimant/appellant, filed an appeal from the April 7, 2022, (reference 03) decision that found claimant was overpaid \$1,200.00 in FPUC benefits for a 4-week period beginning 01/24/21 and ending 02/20/21 due to decision that disqualified her from a second benefit year effective 01/24/2021. After due notice was issued, a hearing was held on June 8, 2022, at 11:10AM. The department did not participate. Claimant personally participated. The following hearings were held together as part of a consolidated hearing: Appeals 22A-UI-09960-DH-T; 22A-UI-09961-DH-T; and 22A-UI-09962-DH-T. Judicial notice was taken of the administrative record, DBIN, and WAGE.

ISSUE:

Was the claimant overpaid benefits?

FINDINGS OF FACT:

Having reviewed the evidence in the record and heard the testimony, the undersigned finds:

Appeal 22A-UI-09960-DH-T, a companion case to this matter, modified in favor of appellant the decision finding claimant not eligible for benefits effective 01/24/2021 due to her not earning sufficient wages to qualify for a second benefit year, finding instead that claimant not eligible for benefits effective 01/24/2021 and that she became eligible for benefits sometime in the second quarter of 2021 due to her earning sufficient wages to qualify for a second benefit year and remanding for the benefits bureau to determine when in the second quarter that happened.

Appeal 22A-UI-09960-DH-T, a companion case to this matter, affirmed claimant was overpaid \$1,112.00 in regular unemployment benefits for a 4-week period beginning 01/24/21 and ending 02/20/21, as she had not yet earned sufficient wages to qualify for a second benefit year.

Claimant filed a claim for unemployment insurance benefits for the second benefit year, with an original claim date of 01/24/21. Claimant's weekly benefit amount (WBA) was \$278.00. Claimant filed for and was paid \$1,112.00 in regular unemployment benefits for a 4-week period beginning 01/24/21 and ending 02/20/21.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was overpaid FPUC benefits. For the reasons set forth below, it is determined claimant was overpaid FPUC benefits.

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...

Claimant's disqualification from benefits effective 01/24/2021 due to her not earning sufficient wages to qualify for a second benefit year was modified in favor of appellant in appeal 22A-UI-09960-DH-T,(a companion case to this matter) finding instead that claimant not eligible for benefits effective 01/24/2021 through the end of the first quarter 2021 and that claimant became eligible for benefits sometime in the second quarter of 2021 due to her earning sufficient wages to qualify for a second benefit year. The matter was remanded for the benefits bureau to determine when in exactly in the second quarter requalification happened. Claimant was not entitled to benefits from 01/24/21 through the end of the first quarter.

Appeal 22A-UI-09960-DH-T, a companion case to this matter, affirmed claimant was overpaid \$1,112.00 in regular unemployment benefits for a 4-week period beginning 01/24/21 and ending 02/20/21, as she had not yet earned sufficient wages to qualify for a second benefit year.

Claimant was paid \$1,200.00 in FPUC benefits for a 4-week period beginning 01/24/21 and ending 02/20/21. This was during the period claimant was disqualified from regular unemployment benefits. With claimant disqualified from regular unemployment benefits, she was also disqualified from FPUC benefits and therefore overpaid \$1,200.00 in FPUC benefits for a 4-week period beginning 01/24/21 and ending 02/20/21. The benefits are to be repaid.

DECISION:

The April 7, 2022, (reference 03) unemployment insurance decision that found claimant was overpaid \$1,200.00 in FPUC benefits is **AFFIRMED**.



Darrin T. Hamilton
Administrative Law Judge

September 30, 2022
Decision Dated and Mailed

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APPEAL RIGHTS. If you disagree with the decision, you or any interested party may:

1. Appeal to the Employment Appeal Board within fifteen (15) days of the date under the judge's signature by submitting a written appeal via mail, fax, or online to:

**Employment Appeal Board
4th Floor – Lucas Building
Des Moines, Iowa 50319
Fax: (515)281-7191
Online: eab.iowa.gov**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

AN APPEAL TO THE BOARD SHALL STATE CLEARLY:

- 1) The name, address, and social security number of the claimant.
- 2) A reference to the decision from which the appeal is taken.
- 3) That an appeal from such decision is being made and such appeal is signed.
- 4) The grounds upon which such appeal is based.

An Employment Appeal Board decision is final agency action. If a party disagrees with the Employment Appeal Board decision, they may then file a petition for judicial review in district court.

2. If no one files an appeal of the judge's decision with the Employment Appeal Board within fifteen (15) days, the decision becomes final agency action, and you have the option to file a petition for judicial review in District Court within thirty (30) days after the decision becomes final. Additional information on how to file a petition can be found at Iowa Code §17A.19, which is online at <https://www.legis.iowa.gov/docs/code/17A.19.pdf> or by contacting the District Court Clerk of Court <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Note to Parties: YOU MAY REPRESENT yourself in the appeal or obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds.

Note to Claimant: It is important that you file your weekly claim as directed, while this appeal is pending, to protect your continuing right to benefits.

SERVICE INFORMATION:

A true and correct copy of this decision was mailed to each of the parties listed.

DERECHOS DE APELACIÓN. Si no está de acuerdo con la decisión, usted o cualquier parte interesada puede:

1. Apelar a la Junta de Apelaciones de Empleo dentro de los quince (15) días de la fecha bajo la firma del juez presentando una apelación por escrito por correo, fax o en línea a:

**Employment Appeal Board
4th Floor – Lucas Building
Des Moines, Iowa 50319
Fax: (515)281-7191
En línea: eab.iowa.gov**

El período de apelación se extenderá hasta el siguiente día hábil si el último día para apelar cae en fin de semana o día feriado legal.

UNA APELACIÓN A LA JUNTA DEBE ESTABLECER CLARAMENTE:

- 1) El nombre, dirección y número de seguro social del reclamante.
- 2) Una referencia a la decisión de la que se toma la apelación.
- 3) Que se interponga recurso de apelación contra tal decisión y se firme dicho recurso.
- 4) Los fundamentos en que se funda dicho recurso.

Una decisión de la Junta de Apelaciones de Empleo es una acción final de la agencia. Si una de las partes no está de acuerdo con la decisión de la Junta de Apelación de Empleo, puede presentar una petición de revisión judicial en el tribunal de distrito.

2. Si nadie presenta una apelación de la decisión del juez ante la Junta de Apelaciones Laborales dentro de los quince (15) días, la decisión se convierte en acción final de la agencia y usted tiene la opción de presentar una petición de revisión judicial en el Tribunal de Distrito dentro de los treinta (30) días después de que la decisión adquiera firmeza. Puede encontrar información adicional sobre cómo presentar una petición en el Código de Iowa §17A.19, que se encuentra en línea en <https://www.legis.iowa.gov/docs/code/17A.19.pdf> o comunicándose con el Tribunal de Distrito Secretario del tribunal <https://www.iowacourts.gov/iowa-courts/court-directory/>.

Nota para las partes: USTED PUEDE REPRESENTARSE en la apelación u obtener un abogado u otra parte interesada para que lo haga, siempre que no haya gastos para Workforce Development. Si desea ser representado por un abogado, puede obtener los servicios de un abogado privado o uno cuyos servicios se paguen con fondos públicos.

Nota para el reclamante: es importante que presente su reclamo semanal según las instrucciones, mientras esta apelación está pendiente, para proteger su derecho continuo a los beneficios.

SERVICIO DE INFORMACIÓN:

Se envió por correo una copia fiel y correcta de esta decisión a cada una de las partes enumeradas.