

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**HASEENA NAPIER**  
Claimant

**APPEAL NO: 21A-UI-23203-JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 03/15/20**  
**Claimant: Appellant (1)**

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Iowa Code § 96.3(7) – Recovery of Benefit Overpayment  
PL 116-136 Sec. 2107– Federal Pandemic Emergency Unemployment Compensation (PEUC)

**STATEMENT OF THE CASE:**

The claimant/appellant, Haseena Napier, filed an appeal to the October 8, 2021 (reference 04) initial decision which concluded she was overpaid PEUC benefits. A first telephone hearing was scheduled for December 10, 2021. Claimant requested a postponement to obtain legal counsel and the request was granted.

After proper notice, a telephone hearing was conducted on December 28, 2021. The hearing was held together with Appeals 21A-UI-23202-JC-T and 21A-UI-23204-JC-T. The claimant participated personally and represented herself. The administrative law judge took official notice of the administrative records. Department Exhibit D-1 was admitted into evidence. The administrative law judge held the record open for the limited purpose to allow claimant to submit documentation. It was received and admitted as Claimant Exhibit A.

**ISSUE:**

Is the claimant overpaid PEUC benefits?

**FINDINGS OF FACT:**

Having heard the testimony and considered all of the evidence in the record, the administrative law judge finds: The claimant filed an initial claim for regular unemployment insurance benefits funded by the State of Iowa with an effective date of March 15, 2020.

Claimant's monetary eligibility for benefits was based upon considering wages she earned in Iowa and South Dakota. Claimant's weekly benefit amount was \$271.00. Her maximum weekly benefit amount was \$5,676.19. Claimant filed for and received regular unemployment benefits for the period between March 15, 2020 and October 24, 2020, when she exhausted benefits.

Claimant filed for and received \$4,607.00 in PEUC benefits for the period of October 25, 2020 and February 20, 2021.

The initial decision that denied PEUC benefits has been affirmed in Appeal 21A-UI-23202-JC-T.

Claimant has requested a waiver of PEUC benefits with IWD. The request was received on October 14, 2021.

**REASONING AND CONCLUSIONS OF LAW:**

The issue is whether claimant has been overpaid PEUC benefits.

Iowa Code section 96.3(7) provides, in pertinent part:

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.

PL 116-136 Sec 2107 provides in pertinent part:

PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION.

(2) PROVISIONS OF AGREEMENT. —

Any agreement under paragraph (1) shall provide that the State agency of the State will make payments of pandemic emergency unemployment compensation to individuals who—

(A) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before July 1, 2019);

(B) have no rights to regular compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law;

(C) are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

(D) are able to work, available to work, and actively seeking work.

...

(e) 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...

The terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof (including terms and conditions relating to availability for work, active search for work, and refusal to accept work) shall apply to claims for pandemic emergency unemployment compensation and the payment thereof, except where otherwise inconsistent with the provisions of this section or with the regulations or operating instructions of the Secretary promulgated to carry out this section... See PL 116-136 Sec 2107 (4)(B).

Since the decision disqualifying the claimant from PEUC benefits has been affirmed, this also disqualifies claimant from receiving Federal Pandemic Emergency Unemployment Compensation (PEUC). The claimant was overpaid \$1,332.00 in Federal Pandemic Emergency Unemployment Compensation (PEUC).

This decision determines you are overpaid benefits, and the administrative law judge lacks authority to waive the overpayment.

This decision determines you have been overpaid PEUC under the CARES Act. 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.

**DECISION:**

The unemployment insurance decision dated October 8, 2021, (reference 04), is AFFIRMED. The claimant was overpaid \$4,607.00 in Federal Pandemic Emergency Unemployment Compensation (PEUC).



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January 28, 2022  
Decision Dated and Mailed

jlb/mh