

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**RICHARD R. NOVENCIDO**  
Claimant

**APPEAL NO: 22A-UI-01748-CS-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 04/12/20**  
**Claimant: Appellant (1)**

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment  
PL 116-136 Sec 2102 – Federal Pandemic Unemployment Assistance (PUA)

**STATEMENT OF THE CASE:**

On December 21, 2021, the claimant filed an appeal from the December 16, 2021, (reference 01) unemployment insurance decision that concluded he was overpaid \$203.00 in Pandemic Unemployment Assistance (PUA) benefits. After proper notice, a telephone hearing was conducted on February 10, 2022. The hearing was held together with appeals 22A-UI-01749-CS-T, 22A-UI-01750-CS-T, and 22A-UI-01751-CS-T and combined into one record. The claimant participated through attorney Andrew Meyer. Brad Baetz was called as a witness. Official notice of the administrative records was taken. Exhibits A, B, and C were admitted into the record.

**ISSUE:**

Is the claimant overpaid PUA benefits for the one-week period between June 28, 2020 and July 4, 2020 in the amount of \$203.00?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was granted PUA benefits and was found eligible for a weekly benefit amount of \$203.00. Claimant made weekly continued claims for the weeks ending July 4, 2020, and July 11, 2020. On July 10, 2020, Iowa Workforce Development (IWD) issued claimant a payment in the gross amount of \$203.00 for the one-week period ending July 4, 2020. On July 14, 2020, claimant was issued a payment in the gross amount of \$406.00 for the two-week period ending July 11, 2020.

Based on the above, through no fault of his own, claimant has received PUA benefits in the gross amount of \$406.00 for the one-week period ending July 4, 2020. Claimant was inadvertently paid twice for the week ending July 4, 2020. Claimant was only entitled to receive \$203.00 for the one-week period ending July 4, 2020.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons set forth below, the administrative law judge concludes the claimant has been overpaid PUA 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.

b. (1) (a) If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The Pandemic Unemployment Assistance program provides for weekly unemployment benefit assistance to any covered individual for any weeks beginning on or after January 27, 2020 and ending on or before December 31, 2020, during which the individual is unemployed, partially unemployed, or unable to work due to COVID-19. That period was subsequently extended through the week ending September 4, 2021. See American Rescue Plan Act of 2021. Iowa ended its participation in the program effective June 12, 2021.

Public Law 116-136, Sec. 2102 provides in relevant part:

(h) RELATIONSHIP BETWEEN PANDEMIC UNEMPLOYMENT ASSISTANCE AND DISASTER UNEMPLOYMENT ASSISTANCE.—Except as otherwise provided in this section or to the extent there is a conflict between this section and section 625 of title 20, Code of Federal Regulations, such section 625 shall apply to this section as if—

(1) the term “COVID–19 public health emergency” were substituted for the term “major disaster” each place it appears in such section 625; and

(2) the term “pandemic” were substituted for the term “disaster” each place it appears in such section 625.

20 CFR Sec. 625.14 provides in relevant part:

(a) Finding and repayment. If the State agency of the applicable State finds that an individual has received a payment of DUA to which the individual was not entitled under the Act and this part, whether or not the payment was due to the individual's fault or misrepresentation, the individual shall be liable to repay to the applicable State the total sum of the payment to which the individual was not entitled, and the State agency shall take all reasonable measures authorized under any State law or Federal law to recover for the account of the United States the total sum of the payment to which the individual was not entitled.

Claimant did not seek out multiple payments, and it appears this overpayment occurred through no fault of the claimant. Regardless of fault, however, claimant has received PUA benefits to which they were not entitled. Therefore, the administrative law judge concludes that claimant has been overpaid PUA benefits in the amount of \$203.00 for the one-week period ending July 4, 2020. Those benefits are subject to recovery in accordance with Iowa law.

This decision determines claimant is overpaid benefits, and the administrative law judge lacks authority to waive the overpayment. If claimant disagrees with this decision claimant may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.

Claimant may also choose to pursue a waiver of the overpayment balance. Instructions for requesting a waiver of this overpayment can be found at:  
<https://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment-and-recovery>.

**DECISION:**

The unemployment insurance decision dated December 16, 2021, (reference 01), is AFFIRMED. The claimant was overpaid \$203.00 in PUA benefits for the week ending July 4, 2020.



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Carly Smith  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau

March 2, 2022

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Decision Dated and Mailed

cs/abd

*Note to Claimant:*

This decision determines you have been overpaid PUA 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. Additionally, instructions for requesting a waiver of this overpayment can be found at <https://www.iowaworkforcedevelopment.gov/federal-unemployment-insurance-overpayment-recovery>. If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.

You may find additional information about food, housing, and other resources at <https://covidrecoveryiowa.org/> or at <https://dhs.iowa.gov/node/3250>