

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BRIAN S CRANDELL
Claimant

APPEAL 21A-UI-17326-DB-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 03/29/20
Claimant: Appellant (4R)

PL 116-136 Section 2104 – Federal Pandemic Unemployment Compensation (FPUC)

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the July 21, 2021 (reference 04) unemployment insurance decision that found claimant was overpaid FPUC benefits in the amount of \$9,600.00 for sixteen weeks ending July 18, 2020. The claimant was properly notified of the hearing. A telephone hearing was held on September 29, 2021. The claimant participated personally. Attorney Jenna Pilcher represented the claimant. The administrative law judge took official notice of the claimant's administrative records.

ISSUE:

Is the claimant overpaid FPUC benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant had filed an original claim for unemployment insurance benefits effective March 29, 2020. His established weekly-benefit amount for regular unemployment insurance benefits funded by the State of Iowa was \$439.00. He was paid regular unemployment insurance benefits funded by the State of Iowa for consecutive weeks beginning March 29, 2020 and ending August 1, 2020. Claimant was paid FPUC benefits of \$600.00 per week for weeks between March 29, 2020 and July 25, 2020.

Claimant was determined not to be eligible for regular unemployment insurance benefits effective March 29, 2020 in an unemployment insurance decision dated August 7, 2020 (reference 02). That decision denying regular unemployment insurance benefits was affirmed in Appeal No. 21A-UI-10803-DB-T. Claimant had filed an application for Federal Pandemic Unemployment Assistance (PUA) benefits and a determination decision was issued on August 4, 2021 finding that the claimant was eligible for PUA benefits effective March 29, 2020 through August 1, 2020. Claimant's PUA weekly benefit amount established was \$473.00.

Claimant's administrative records indicate that he has been only paid regular unemployment insurance benefits from March 29, 2020 through August 1, 2020 and not PUA benefits. That matter will be remanded to the Benefits Bureau for an initial investigation, determination, and

payment as the claimant's established PUA weekly benefit amount is greater than his regular unemployment insurance benefit amount.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

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...

PL 116-136 Section 2104 of the CARES Act created a program in which an additional \$600.00 per week was payable to claimants who were eligible for at least \$1.00 per week in benefits stemming from other programs including regular unemployment insurance funded by the State of Iowa, Pandemic Emergency Unemployment Compensation, Pandemic Unemployment Assistance, Iowa Extended benefits, and Trade Act benefits. This initial program ran from March 29, 2020 through July 25, 2020.

Claimants were only eligible to receive FPUC payments if they were entitled to receive benefits from another applicable program. The payments of FPUC benefits were automatic so long as a claimant was determined to be eligible under one of the other applicable programs.

On December 27, 2020, the President signed into law the Consolidated Appropriations Act, 2021, which includes Division N, Title II, Subtitle A, the Continued Assistance Act. Section 203 reauthorized the FPUC program for weeks of unemployment beginning after December 26, 2020 and ending on or before March 14, 2021 and modified the weekly supplement payment to \$300.00. On March 11, 2021, the President signed the American Rescue Plan Act of 2021 (ARPA). Section 9103 of ARPA amends Section 2104 of the CARES Act of 2020 and extended

the FPUC program for weeks of unemployment ending on or before September 6, 2021. On May 11, 2021, Governor Reynolds announced that Iowa would end its participation in federal pandemic-related unemployment benefit programs effective June 12, 2021. The last payable week for FPUC benefits in Iowa was the week ending June 12, 2021.

In this case, the claimant was initially paid FPUC benefits from March 29, 2020 through July 25, 2020 due to his initial eligibility for regular unemployment insurance benefits funded by the State of Iowa; however, he was later determined to be ineligible for regular unemployment insurance benefits funded by the State of Iowa. Typically, that would mean he would be overpaid FPUC benefits as well. However, when he was determined to be eligible for Federal Pandemic Unemployment Assistance (PUA) benefits in the decision dated August 4, 2021, this also allowed him to become eligible for FPUC benefits during the same period of time, just based upon a different underlying program.

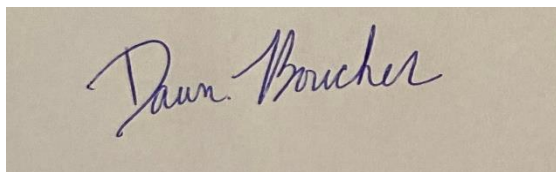
As such, the claimant is not overpaid FPUC benefits for the weeks between March 29, 2020 through July 25, 2020 because he was eligible for PUA benefits (and therefore FPUC benefits) for that period of time by virtue of the PUA allowance decision dated August 4, 2021.

DECISION:

The July 21, 2021 (reference 04) unemployment insurance decision is modified in favor of the appellant. The claimant was not overpaid FPUC benefits of \$9,600.00 for the sixteen-week period between March 29, 2020 and July 25, 2020 because he was determined to be eligible for PUA benefits effective March 29, 2020 through August 1, 2020 in the PUA allowance decision dated August 4, 2021.

REMAND:

The issue of whether the claimant is underpaid PUA benefits due to his PUA weekly-benefit amount exceeding his regular unemployment insurance weekly-benefit amount is remanded to the Benefits Bureau for an initial investigation, determination, and payment. If FPUC benefits are paid twice for the same period of time, any double payment amounts may be recovered.



Dawn Boucher
Administrative Law Judge

September 30, 2021
Decision Dated and Mailed

db/mh