

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**MELISSA A ADAM**  
Claimant

**APPEAL NO. 22A-UI-06837-JT-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 03/22/20**  
**Claimant: Appellant (2)**

Public Law 116-136, §2104 – Federal Pandemic Unemployment Compensation Overpayment

**STATEMENT OF THE CASE:**

On March 21, 2022, Melissa Adam (claimant) filed a timely appeal from the March 15, 2022 (reference 03) decision that held the claimant was overpaid \$1,200.00 in Federal Pandemic Unemployment Compensation (FPUC) benefits for two weeks between April 12, 2020 and May 2, 2020, due to the reference 01 decision that denied benefits. After due notice was issued, a hearing was held on May 3, 2022. The claimant participated. There were three appeal numbers set for a consolidated hearing: 22A-UI-06835-JT-T, 22A-UI-06836-JT-T and 22A-UI-06837-JT-T. Exhibits 1, 2 and 3, and A through D were received into evidence. The administrative law judge took official notice of DBRO, KPYX, KCCO, the reference 01 decision, and reference 01 supportive documentation

**ISSUES:**

Whether the claimant was overpaid \$1,200.00 in Federal Pandemic Unemployment Compensation (FPUC) benefits for two weeks between April 12, 2020 and May 2, 2020, due to the reference 01 decision that denied benefits.

**FINDINGS OF FACT:**

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

The claimant established an original claim for benefits that was effective March 22, 2020. Iowa Workforce Development set the weekly benefit amount for regular benefits at \$208.00. The claimant made weekly claims for each of the 10 weeks between March 22, 2020 and May 30, 2022. For the week that ended April 18, 2020 and the week that ended May 2, 2020, IWD paid \$49.00 in regular benefits and \$600.00 in Federal Pandemic Unemployment Compensation (FPUC) to the claimant.

On March 23, 2021, Iowa Workforce Development Benefits Bureau issued a reference 01 decision that denied benefits for the period beginning March 22, 2020, based on the deputy's conclusion that the claimant was still employed for the same hours and wages as in the original contract of hire and could not be considered partially unemployed with the meaning of the law. The reference 01 decision prompted the overpayment decision from which the claimant appeals

in the present matter. The reference 01 decision has been modified in Appeal Number 22A-UI-06835-JT-T in favor of the claimant to allow benefits for the weeks that ended April 18, 2020 and May 2, 2020, provided the claimant was otherwise eligible.

## **REASONING AND CONCLUSIONS OF LAW:**

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").

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### **(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.

### **(3) Recovery by state agency —**

(A) In general.—The State agency shall recover the amount to be repaid, or any part thereof, by deductions from any Federal Pandemic Unemployment Compensation payable to such individual or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the Federal Pandemic Unemployment Compensation to which they were not entitled, in

accordance with the same procedures as apply to the recovery of overpayments of regular unemployment benefits paid by the State.

(B) Opportunity for hearing.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(4) Review.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

Because the disqualification decision that prompted the overpayment decision has been modified in favor of the claimant to allow benefits for the weeks that ended April 18, 2020 and May 2, 2020, provided the claimant was otherwise eligible, the \$1,200.00 in FPUC benefits the claimant received for those two weeks is not an overpayment of benefits.

**DECISION:**

The March 15, 2022 (reference 03) decision is REVERSED. The \$1,200.00 in FPUC benefits the claimant received for the weeks that ended April 18, 2020 and May 2, 2020 is not an overpayment of benefits.



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James E. Timberland  
Administrative Law Judge

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May 31, 2022  
Decision Dated and Mailed

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