

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BRIAN P FRANZ
Claimant

LINN MAR COMMUNITY SCHOOL DISTRICT
Employer

APPEAL 21A-UI-18503-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/22/20
Claimant: Appellant (5R)

Iowa Code § 96.3(7) – Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the August 11, 2021 (reference 12) unemployment insurance decision that found claimant was overpaid regular unemployment benefits funded by the State of Iowa in the amount of \$6,694.63 for twenty-three weeks between March 22, 2020 and August 22, 2020. The claimant was properly notified of the hearing. A telephone hearing was held on October 14, 2021. The claimant participated personally. The employer did not participate. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records. The hearing was consolidated with Appeal No. 21A-UI-18504-DB-T and 21A-UI-18505-DB-T.

ISSUE:

Is the claimant overpaid regular unemployment insurance benefits funded by the State of Iowa from March 22, 2020 through August 22, 2020?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed an original claim for regular unemployment insurance benefits funded by the State of Iowa with an effective date of March 22, 2020. His established weekly benefit amount for State of Iowa benefits was \$316.00. He was paid regular unemployment insurance benefits funded by the State of Iowa from March 22, 2020 through August 22, 2020 in the amount of \$6,694.63, which was his established maximum benefit amount for State of Iowa funded unemployment insurance benefits.

Claimant was also paid Federal Pandemic Unemployment Compensation (FPUC) benefits of \$10,200.00 for the seventeen weeks between March 29, 2020 and July 25, 2020, when the program initially ended. He was paid FPUC initially based upon a finding that he was eligible for regular unemployment insurance benefits. Claimant was paid Lost Wages Assistance (LWA) benefits of \$1,800.00 for the six weeks beginning July 26, 2020 through September 5, 2020, when the program ended.

On September 21, 2020, eight different unemployment insurance decisions were issued finding that the claimant's unemployment occurred between academic years or terms with educational employers. Claimant filed appeals to those decisions and an appeal hearing was held with Administrative Law Judge (ALJ) Louis. ALJ Louis issued decisions in Appeal No. 20A-UI-11914; 20A-UI-11919; 20A-UI-11921; 20A-UI-11925; 20A-UI-11928; 20A-UI-11932; 20A-UI-11935; and 20A-UI-11937. She affirmed the underlying denial decisions that determined the claimant was not eligible for **regular** unemployment insurance benefits effective March 22, 2020. The claimant did not file a further appeal to the Employment Appeal Board (EAB) in order to have any of those eight decisions reversed. Those decisions became final.

Claimant filed an application for Federal Pandemic Unemployment Assistance (PUA) benefits and a decision was issued on November 16, 2020 finding that he was eligible for Federal PUA benefits effective March 15, 2020 for a weekly-benefit amount of \$316.00. Claimant's administrative records establish that he was paid PUA benefits in the following amounts:

\$316.00 for the week-ending March 21, 2020
\$3,699.00 for the weeks beginning August 23, 2020 and ending November 14, 2020
\$316.00 for the week-ending November 28, 2020
\$316.00 for the week-ending December 5, 2020
\$200.00 for the week-ending December 26, 2020
\$316.00 for the week-ending January 2, 2021
\$316.00 for the week-ending January 23, 2021
\$302.00 for the week-ending February 20, 2021
\$316.00 for the week-ending February 27, 2021
\$316.00 for the week-ending March 6, 2021
\$316.00 for the week-ending March 13, 2021
\$3,160.00 for the ten weeks ending May 8, 2021
\$316.00 for the week ending May 15, 2021

No PUA payments were made to the claimant from March 22, 2020 through August 22, 2020 when he was initially paid regular unemployment insurance benefits. The issue of payment for the claimant's PUA benefits beginning March 22, 2020 through August 22, 2020 will be remanded to the Benefits Bureau for an initial investigation and payment.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code § 96.3(7)a provides:

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.

(emphasis added).

In this case, the claimant received regular unemployment insurance benefits funded by the State of Iowa from March 22, 2020 through August 22, 2020 but was not eligible for those regular unemployment insurance benefits due to eight disqualifying decisions that stated the claimant was denied regular unemployment insurance benefits effective March 22, 2020. Because the claimant did not appeal the eight decisions that ALJ Louis issued finding that he was not eligible for regular unemployment insurance benefits effective March 22, 2020, those decisions became final regarding his eligibility for **regular** unemployment insurance benefits funded by the State of Iowa.

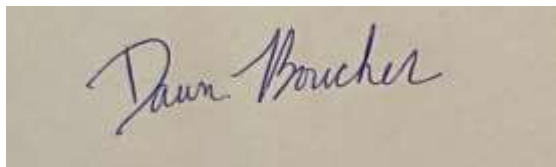
Even though the claimant may have acted in good faith and was not otherwise at fault, he has still been overpaid **regular** unemployment insurance benefits funded by the State of Iowa. Claimant was paid regular unemployment insurance benefits from March 22, 2020 through August 22, 2020, which is twenty-two weeks and not twenty-three weeks as the initial unemployment insurance decision in this appeal stated. Claimant is overpaid regular unemployment insurance benefits in the amount of \$6,694.63 for twenty-two weeks between March 22, 2020 and August 22, 2020.

DECISION:

The August 11, 2021 (reference 12) unemployment insurance decision is modified with no change in effect. The claimant was overpaid **regular** unemployment insurance benefits funded by the State of Iowa in the amount of \$6,694.63 for **twenty-two** weeks between March 22, 2020 and August 22, 2020.

REMAND:

The issue of payment of claimant's PUA benefits effective March 22, 2020 through August 22, 2020 is remanded to the Benefits Bureau for an initial investigation, determination, and payment and/or offset.

A handwritten signature in blue ink that reads "Dawn Boucher". The signature is written in a cursive style and is positioned above a horizontal line.

Dawn Boucher
Administrative Law Judge

October 21, 2021
Decision Dated and Mailed

db/ol