

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**DAWN R JUCHEM**  
Claimant

**APPEAL 21A-UI-11341-DB-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 05/03/20**  
**Claimant: Appellant (1)**

PL 116-136 Sec 2104 – Federal Pandemic Unemployment Compensation (FPUC) Benefits  
Iowa Code § 96.3(7) – Overpayment of Benefits

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the April 2, 2021 (reference 03) unemployment insurance decision that found claimant was overpaid FPUC benefits in the amount of \$6,600.00 for eleven weeks between May 10, 2020 and July 25, 2020. The claimant was properly notified of the hearing. A telephone hearing was held on July 12, 2021. The claimant participated personally. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records. The hearing was consolidated with Appeal No. 21A-UI-11340-DB-T and 21A-UI-11342-DB-T.

**ISSUE:**

Is the claimant overpaid FPUC benefits from May 10, 2020 through July 25, 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 May 3, 2020. She was paid regular unemployment insurance benefits funded by the State of Iowa from May 10, 2020 through September 19, 2020 in the amount of \$5,548.00. She was paid Federal Pandemic Unemployment Compensation (FPUC) benefits of \$6,600.00 for the eleven-week period ending July 25, 2020. She was paid Lost Wages Assistance benefits for the six-week period ending September 5, 2020.

Iowa Workforce Development issued a decision dated September 23, 2020 (reference 01) which found that the claimant was not eligible for regular unemployment insurance benefits funded by the State of Iowa due to the fact that she refused recall to suitable work with Ruthven Community Care Center Inc. That decision was appealed and a hearing was scheduled for November 23, 2020. The claimant failed to appear at the hearing and Administrative Law Judge (ALJ) Duane Golden issued a decision dated December 3, 2020 that affirmed the underlying decision that the claimant had refused recall to suitable work. See Appeal No. 20A-UI-12098-DG-T. Claimant filed an appeal to the Employment Appeal Board (EAB) and it issued a decision affirming ALJ Golden's dismissal of the appeal. See Appeal 20B-UI-10298. No further

appeal of the EAB decision was filed with the District Court for the State of Iowa. No application for Pandemic Unemployment Assistance (PUA) benefits has been filed by the claimant at this time.

### **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.

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

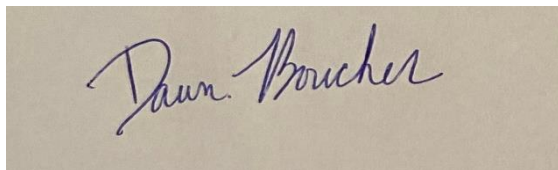
March 29, 2020 through July 25, 2020. Claimants were only eligible to receive FPUC payments if they were entitled to receive benefits from another applicable program. The payments of FPUC benefits were automatic so long as a claimant was determined to be eligible under one of the other applicable programs. 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 received FPUC benefits from May 10, 2020 through July 25, 2020, when the initial program ended, but was not eligible for those benefits due to the disqualifying decision issued on September 23, 2020 (reference 01) that had found she refused a suitable offer of work with Ruthven Community Care Center Inc. That decision was affirmed in the ALJ decision issued on December 3, 2020 in Appeal No. 20A-UI-12098-DG-T. ALJ Golden's decision was affirmed by the EAB in Appeal No. 20B-UI-12098 and no further appeal was filed. As such, the claimant has been overpaid FPUC benefits in the amount of \$6,600.00 for eleven weeks between May 10, 2020 and July 25, 2020.

Note to claimant: Per Section 2104(f)(2) of the CARES Act, you may request a waiver of the overpayment balance. The request must be in writing. For additional information requesting a waiver, please call 888-848-7442 or visit:  
<https://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment-and-recovery>.

**DECISION:**

The April 2, 2021 (reference 03) unemployment insurance decision is affirmed. The claimant was overpaid FPUC benefits in the amount of \$6,600.00 for eleven weeks between May 10, 2020 and July 25, 2020.

A handwritten signature in blue ink that reads "Dawn Boucher". The signature is written in a cursive, flowing style.

---

Dawn Boucher  
Administrative Law Judge

---

Decision Dated and Mailed

db/

**Note to Claimant**

- This decision may determine you are overpaid FPUC benefits and 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.
- If you do not qualify for regular unemployment insurance benefits funded by the State of Iowa under state law, you may qualify for benefits under the Federal Pandemic Unemployment Assistance (“PUA”) section of the Coronavirus Aid, Relief, and Economic Security Act (“Cares Act”) that discusses eligibility for claimants who are unemployed due to the Coronavirus.
- **You will need to apply for PUA to determine your eligibility under the program.**  
For additional information on how to apply for PUA go to:  
<https://www.iowaworkforcedevelopment.gov/pua-information>.
- If you are denied regular unemployment insurance benefits funded by the State of Iowa and wish to apply for PUA, please visit:  
<https://www.iowaworkforcedevelopment.gov/pua-information> and scroll down to “Submit Proof Here.” You will fill out the questionnaire regarding the reason you are not working and upload a picture or copy of your fact-finding decision. Your claim will be reviewed for PUA eligibility. If you are eligible for PUA, you will also be eligible for Federal Pandemic Unemployment Compensation (FPUC) until the program expires. Back payments PUA benefits may automatically be used to repay any overpayment of state benefits. If this does not occur on your claim, you may repay any overpayment by visiting:  
<https://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment-and-recovery>.