

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TENESHA BIRDEN
Claimant

APPEAL 21A-UI-24277-SN-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 04/05/20
Claimant: Appellant (1)

PL 116-136, SEC. 2107 – Federal Pandemic Emergency Unemployment Compensation (PEUC)

STATEMENT OF THE CASE:

The claimant filed an appeal from the October 22, 2021 (reference 06) unemployment insurance decision that concluded she was not eligible to receive Pandemic Emergency Unemployment Compensation (PEUC) because a representative's decision regarding her separation from Hy-Vee Inc., reference 01, disqualified her from all benefits effective April 4, 2021. After proper notice, a telephone hearing was conducted on December 29, 2021. The hearing was held jointly with appeal 21A-UI-24278-SN-T, 21A-UI-24279-SN-T, and 21A-UI-24280-SN-T. The claimant participated. Official notice of the administrative records was taken.

ISSUES:

Is the claimant eligible for Federal Pandemic Emergency Unemployment Compensation (PEUC)?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of June 7, 2020. The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been affirmed in a decision of the administrative law judge in appeal 21A-UI-17242-DH-T. Specifically, Administrative Law Judge Darrin Hamilton dismissed the claimant's appeal for failure to participate in the hearing on September 28, 2021.

On October 27, 2021, the claimant appealed, 21A-UI-17242-DH-T, to the Employment Appeal Board (EAB) on October 27, 2021. The EAB rejected the claimant's appeal on December 27, 2021.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant is eligible for PEUC benefits.

PL 116-136 Sec 2107 provides in pertinent part:

PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION.

(2) PROVISIONS OF AGREEMENT. —

Any agreement under paragraph (1) shall provide that the State agency of the State will make payments of pandemic emergency unemployment compensation to individuals who—

(A) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before July 1, 2019);

(B) have no rights to regular compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law;

(C) are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

(D) are able to work, available to work, and actively seeking work.

...

(e) Fraud and Overpayments

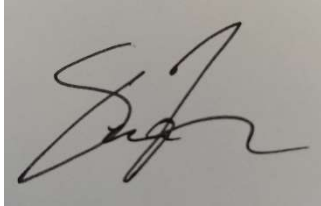
(2) Repayment.--In the case of individuals who have received amounts of Federal Pandemic Unemployment Compensation to which they were not entitled, the State shall require such individuals to repay the amounts of such Federal Pandemic Unemployment Compensation to the State agency...

The terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof (including terms and conditions relating to availability for work, active search for work, and refusal to accept work) shall apply to claims for pandemic emergency unemployment compensation and the payment thereof, except where otherwise inconsistent with the provisions of this section or with the regulations or operating instructions of the Secretary promulgated to carry out this section... See PL 116-136 Sec 2107 (4)(B).

Since the decision disqualifying the claimant has been affirmed, this also disqualifies claimant from receiving Federal Pandemic Emergency Unemployment Compensation (PEUC).

DECISION:

The unemployment insurance decision dated October 22, 2021 (reference 06), is affirmed. The claimant is ineligible for PEUC benefits effective April 4, 2021.

A rectangular box containing a handwritten signature in black ink. The signature is stylized and appears to read 'S. Nelson'.

Sean M. Nelson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 725-9067

January 27, 2022
Decision Dated and Mailed

smn/kmj