

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOHN T GARANG
Claimant

APPEAL 22R-UI-08344-S2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 05/31/20
Claimant: Appellant (1)

PL116-136, Sec. 2104(f)(2) – Overpayment of Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

The claimant John T. Garang appealed a representative's decision dated October 19, 2021 (reference 03), that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation (FPUC) benefits as a result of a disqualification decision. After due notice was issued, a hearing was scheduled for December 17, 2021. On December 13, 2021, claimant's attorney requested a postponement because he could not attend the hearing. Claimant's attorney did not receive a response to the request and the hearing proceeded without him. On January 20, 2022, an administrative law judge issued a decision affirming the underlying decision. Claimant appealed to the Employment Appeal Board (EAB) and requested a rehearing. On April 4, 2022, the EAB remanded this matter for a new hearing. After the EAB remanded, due notice was issued, and a hearing was scheduled for May 18, 2022.

Prior to the scheduled hearing date, claimant's attorney, Marlon Mormann, requested to have the matter adjudicated based on the record due to claimant's unavailability as he is employed as a sailor and would be working on a ship for the next several months. The administrative law judge granted the request. Claimant provided a signed declaration, a paystub, and a departure status document. These documents were received. The administrative law judge now takes official notice of the claimant's unemployment insurance benefits records.

ISSUE:

The issue is whether the claimant is overpaid FPUC benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: On October 12, 2021, Iowa Workforce Development (IWD) issued a decision (reference 01) that denied claimant regular state unemployment insurance (UI) benefits. That decision has been affirmed. See 21A-UI-02462-SC-T. Claimant has received FPUC benefits in the gross amount of \$4,800.00 for the eight-week period ending July 25, 2020.

Claimant contends he has earned ten times his weekly benefit amount since his February 19, 2020, separation, thus he requalified for benefits and was not overpaid. Claimant worked for American Seafood between February 18, 2020, and May 25, 2020. The administrative record

does not show any wages earned by since claimant's separation in February 2020. The matter of whether claimant has requalified for benefits since his separation was remanded to the Benefits Bureau for an initial investigation and decision in appeal 22R-UI-08343-S2-T.

REASONING AND CONCLUSIONS OF LAW:

For the following reasons the administrative law judge concludes the claimant was overpaid FPUC benefits for the period in question.

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").

....

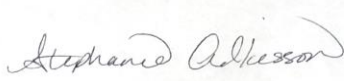
(f) Fraud and Overpayments

(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...

The decision that denied claimant regular unemployment insurance benefits remains in effect. Because claimant is not eligible for UI benefits, claimant is also not eligible for FPUC benefits. Therefore, claimant has received FPUC benefits to which they were not entitled. The administrative law judge concludes that claimant has been overpaid FPUC benefits in the amount outlined in the findings of fact above. Those benefits must be recovered in accordance with Iowa law.

DECISION:

The decision of the representative dated October 19, 2021, (reference 03) is affirmed. Claimant has been overpaid FPUC benefits in the amount of \$4,800.00, which must be repaid.



Stephanie Adkisson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

June 30, 2022
Decision Dated and Mailed

sa/mh

NOTE TO CLAIMANT:

- This decision determines you have been overpaid FPUC benefits. 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.
- You may also request a waiver of this overpayment. The written request must include the following information:
 1. Claimant name & address.
 2. Decision number/date of decision.
 3. Dollar amount of overpayment requested for waiver.
 4. Relevant facts that you feel would justify a waiver.

- The request should be sent to:

Iowa Workforce Development
Overpayment waiver request
1000 East Grand Avenue
Des Moines, IA 50319

- This Information can also be found on the Iowa Workforce Development website at: <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment-and-recovery>.
- If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.