

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**ASHLEY C NEWTON**  
Claimant

**APPEAL NO. 21A-UI-23921-AD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 03/29/20**  
**Claimant: Appellant (4)**

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

**STATEMENT OF THE CASE:**

On October 27, 2021, Ashley Newton (claimant/appellant) appealed the decision dated October 25, 2021 (reference 09) that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation (FPUC) in the amount of \$6,000.00 for the ten-week period between March 29 and May 30, 2020 as a result of a decision denying benefits.

A telephone hearing was held on December 16, 2021, pursuant to due notice. Claimant participated personally. The administrative law judge took official notice of the administrative record.

**ISSUE:**

Was the claimant overpaid Federal Pandemic Unemployment Compensation (FPUC)?

**FINDINGS OF FACT:**

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

The administrative record shows claimant received FPUC in the amount of \$600.00 per week for a total of nine weeks, from the benefit week ending April 4, 2020 and continuing through the benefit week ending May 30, 2020. The total amount of FPUC paid during this period is \$5,400.00.

Claimant was subsequently determined to be ineligible for benefits during that period in a decision dated September 9, 2020. That decision remains in force. See 20A-UI-08660-SC-T.

The administrative law judge notes that claimant was subsequently allowed federal Pandemic Unemployment Assistance (PUA) during that period in a decision dated November 1, 2021. It appears FPUC in the gross amount of \$5,400.00 was issued on November 2, 2021 consistent with the PUA allowance.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons set forth below, the decision dated October 25, 2021 (reference 09) that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation (FPUC) in the amount of \$6,000.00 for the ten-week period between March 29 and May 30, 2020 as a result of a decision denying benefits is MODIFIED in favor of appellant. The FPUC overpayment amount is \$5,400.00.

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, 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.

The administrative record shows claimant received FPUC in the amount of \$600.00 per week for a total of nine weeks, from the benefit week ending April 4, 2020 and continuing through the benefit week ending May 30, 2020. The total amount of FPUC paid during this period is \$5,400.00.

Claimant was subsequently determined to be ineligible for benefits during that period in a decision dated September 9, 2020. That decision remains in force. See 20A-UI-08660-SC-T.

Because the claimant was ineligible for regular unemployment insurance benefits during the above period she was ineligible for related FPUC payments during that period. Claimant has therefore been overpaid FPUC in the amount of \$5,400.00.

**DECISION:**

The decision dated October 25, 2021 (reference 09) that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation (FPUC) in the amount of \$6,000.00 for the ten-week period between March 29 and May 30, 2020 as a result of a decision denying benefits is MODIFIED in favor of appellant. The FPUC overpayment amount is \$5,400.00.



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

December 29, 2021  
Decision Dated and Mailed

abd/abd