

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

LAURIE L HYLAND
Claimant

APPEAL 22A-UI-08962-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 05/31/20
Claimant: Appellant (2)

PL 116-136 Sec 2104 – Federal Pandemic Unemployment Compensation (FPUC)

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the March 31, 2022 (reference 03) unemployment insurance decision that found claimant was overpaid FPUC benefits in the amount of \$3,000.00 for the weeks between May 31, 2020 and July 4, 2020. The claimant was properly notified of the hearing. A telephone hearing was held on May 23, 2022. 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. 22A-UI-08960-DB-T.

ISSUE:

Is the claimant overpaid FPUC benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed for unemployment insurance benefits effective May 31, 2020. Between May 31, 2020 and July 4, 2020 the claimant was paid regular unemployment insurance benefits of \$2,590.00. She was also paid FPUC benefits during that time period of \$3,000.00. The employer, Vinton-Shellsburg Community School District, reported that the claimant was paid wages from May 31, 2020 through July 4, 2020 of \$1,302.00 per week and a decision for overpayment of benefits was issued on March 31, 2022 (reference 02). That decision has since been reversed in Appeal No. 22A-UI-08960-DB-T.

Claimant has worked for employer Vinton-Shellsburg Community School District as a teacher for 27 years. She works full-time while school is in session. Schools closed during the COVID-19 pandemic; however, she earned her full school salary, which was paid over a 12-month period instead of the period of time that school was actually in session. This equated to \$1,302.00 per week during the period of time between May 31, 2020 and July 4, 2020. Even though the claimant was paid after the 2019-2020 school session ended; she had already earned those wages prior to May 31, 2020.

Typically, claimant also taught summer school and was paid on an hourly basis, separate from her annual teacher's salary. Summer school was cancelled during the COVID-19 pandemic and this caused the claimant to file her original claim for unemployment insurance benefits, due to lack of work for her summer position. Claimant had \$0.00 in earning per week from May 31, 2020 through July 4, 2020 for her summer teaching position as summer school had been cancelled. Claimant properly reported \$0.00 in earnings each week when she filed weekly-continued claims for unemployment insurance benefits.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code § 96.19(38)b provided:

As used in this chapter, unless the context clearly requires otherwise:

38. "Total and partial unemployment".

a. An individual shall be deemed "totally unemployed" in any week with respect to which no wages are payable to the individual and during which the individual performs no services.

b. An individual shall be deemed partially unemployed in any week in which either of the following apply:

(1) While employed at the individual's then regular job, the individual works less than the regular full-time week and in which the individual earns less than the individual's weekly benefit amount plus fifteen dollars.

(2) The individual, having been separated from the individual's regular job, earns at odd jobs less than the individual's weekly benefit amount plus fifteen dollars.

c. An individual shall be deemed temporarily unemployed if for a period, verified by the department, not to exceed four consecutive weeks, the individual is unemployed due to a plant shutdown, vacation, inventory, lack of work, or emergency from the individual's regular job or trade in which the individual worked full-time and will again work full-time, if the individual's employment, although temporarily suspended, has not been terminated.

Iowa Admin. Code r. 871-24.18 provides:

Wage-earnings limitation. An individual who is partially unemployed may **earn** weekly a sum equal to the individual's weekly benefit amount plus \$15 before being disqualified for excessive earnings. If such individual earns less than the individual's weekly benefit amount plus \$15, the formula for wage deductions shall be a sum equal to the individual's weekly benefit amount less that part of wages, payable to the individual with respect to that week and rounded to the lower multiple of one dollar, in excess of one-fourth of the individual's weekly benefit amount.

This rule is intended to implement Iowa Code § 96.3, 96.4 and 96.19(38).

(emphasis added).

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...

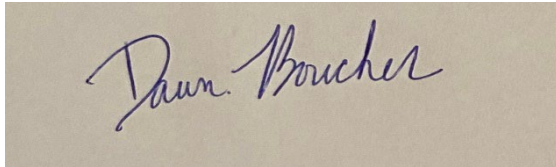
PL 116-136 Section 2104 of the CARES Act created a program in which an additional \$600.00 per week was payable to claimants who were eligible for at least \$1.00 per week in benefits stemming from other programs including regular unemployment insurance funded by the State of Iowa, Pandemic Emergency 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 Continued Assistance to Unemployed Workers Act of 2020 (CAA) was enacted, which reauthorized the FPUC program for weeks of unemployment beginning after December 26, 2020 and ending on or before March 14, 2021. The CAA modified the weekly supplemental benefit amount from \$600.00 to \$300.00. 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 initial underlying decision that found the claimant was not eligible for benefits from May 31, 2020 through July 4, 2020 that was issued on March 31, 2022 (reference 02) has been reversed in Appeal No. 22A-UI-08960-DB-T. Because that decision has been reversed and the claimant was eligible for regular unemployment insurance benefits, then she was also eligible for supplemental FPUC benefits during the weeks of May 31, 2020 through July 4, 2020. As such, the claimant is not overpaid FPUC benefits of \$3,000.00 for the weeks between May 31, 2020 and July 4, 2020.

DECISION:

The March 31, 2022 (reference 03) unemployment insurance decision is reversed. The claimant was not overpaid FPUC benefits in the amount of \$3,000.00 for the weeks between May 31, 2020 and July 4, 2020 as the underlying decision that found she was not eligible for regular unemployment insurance benefits has been reversed.

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Dawn Boucher
Administrative Law Judge

May 25, 2022
Decision Dated and Mailed

db/db