

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

TYRONE L GREEN
Claimant

APPEAL 21A-UI-11251-DB-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 02/02/20
Claimant: Appellant (4R)

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 12, 2021 (reference 20) unemployment insurance decision that found claimant was overpaid Federal Pandemic Unemployment Compensation (FPUC) benefits in the amount of \$12,600.00 for the twenty-three weeks ending February 20, 2021. After due notice was issued, a telephone hearing was held on July 15, 2021. Claimant participated personally. Iowa Workforce Development (IWD) participated through witness Daniel Noonan and was represented by attorney Brooke Axiotis. Claimant's Exhibit A, B, C, D, E, F.1, and F.2 were admitted. IWD Exhibits 1 through 17 were admitted. The administrative law judge took official notice of the claimant's unemployment insurance benefits records. The hearing was consolidated with Appeal Nos. 21A-DUA-01430-DB-T; 21A-UI-11250-DB-T; and 21A-UI-10259-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: An assessment for FPUC Benefits decision was issued on April 12, 2021 (reference 20) that found the claimant was overpaid FPUC benefits for 23 weeks ending February 20, 2021. The assessment decision noted that this overpayment was due to the fact that the agency approved his PUA claim in error.

In an assessment for PUA benefits decision dated June 9, 2020, IWD found that the claimant was eligible for PUA benefits and backdated the claim to be effective February 2, 2020. Claimant's PUA weekly-benefit amount was determined to be \$203.00.

Claimant was paid PUA benefits of \$203.00 per week for 53 weeks between February 2, 2020 and February 20, 2021. See Exhibit 5. The weeks paid between February 2, 2020 and January 30, 2021 were consecutive and claimant was additionally paid for the week-ending February 20,

2021. See Exhibit 5. Claimant was paid an additional duplicative \$203.00 in PUA benefits during the week-ending July 11, 2020 due to division computer error. See Exhibit 5.

In conjunction with the claimant's eligibility for PUA benefits, he was determined eligible for Federal Pandemic Unemployment Compensation (FPUC) benefits and paid FPUC benefits for 23 weeks in the total amount of \$12,600.00. See Exhibit 5. Claimant was paid \$600.00 per week for seventeen consecutive weeks between March 29, 2020 and July 25, 2020. See Exhibit 5. Claimant was paid an additional duplicative \$600.00 in FPUC benefits during the week-ending July 11, 2020 due to division computer error. See Exhibit 5. Claimant was paid \$300.00 per week for 5 consecutive weeks between December 27, 2020 and January 30, 2021. See Exhibit 5. Claimant was paid an additional \$300 in FPUC benefits for the week-ending February 20, 2021. See Exhibit 5.

In conjunction with claimant's eligibility for PUA benefits, he was determined eligible for Lost Wages Assistance (LWA) benefits and was paid \$1,800.00 in LWA benefits for six consecutive weeks between July 26, 2020 and September 5, 2020. See Exhibit 5.

The undersigned administrative law judge issued a decision in Appeal No. 21A-DUA-01430-DB-T regarding the claimant's eligibility for PUA benefits. The underlying denial decision was modified in favor of the claimant. Claimant was determined to be eligible for PUA effective April 26, 2020 through June 12, 2021, subject to any deductions in his weekly-benefit amount for income received from LBA foundation. Claimant was determined not to be eligible for backdating of his PUA claim to February 2, 2020.

The matter of any potential offset for overpayment of FPUC benefits with claimant's FPUC eligibility for weeks after January 30, 2021 will be remanded to the Benefits Bureau for an initial investigation and determination.

REASONING AND CONCLUSIONS OF LAW:

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

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.

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...**

(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.

(emphasis added).

In this case, the claimant received FPUC benefits in the amount of \$600.00 per week beginning March 29, 2020 through April 25, 2020, but was not eligible for those benefits as his PUA was backdated to February 2, 2020 in error. As such, the claimant is overpaid FPUC benefits from March 29, 2020 through April 25, 2020 for four weeks totaling \$2,400.00.

The claimant was paid a total of \$1,200.00 (an additional \$600.00) in FPUC payments during the week-ending July 11, 2020. This additional \$600.00 payment was due to division computer error. As such, the claimant was not entitled to an additional \$600.00 due to computer error and that additional \$600.00 paid to claimant during the week-ending July 11, 2020 is overpaid.

Because the claimant was found eligible for additional weeks of PUA benefits after January 30, 2021, which have not yet been paid to him in Appeal No. 21-A-DUA-01430-DB-T, claimant's overpayment of benefits for a total of five weeks as listed above may be able to be offset by the entitlement claimant has to FPUC benefits for weeks after January 30, 2021 (excepting the week-ending February 20, 2021 in which he was already paid PUA and FPUC benefits). It is noted that FPUC payments from January 30, 2021 through June 12, 2021 consist of weekly payments in the amount of \$300.00 and not \$600.00, which was the initial supplemental amount.

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:

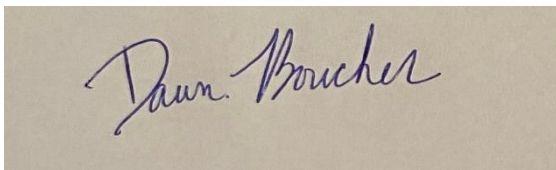
<https://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment-and-recovery>.

DECISION:

The April 12, 2021 (reference 20) unemployment insurance decision is modified in favor of the claimant. The claimant was overpaid FPUC benefits in the amount of \$2,400.00 for the four weeks between March 29, 2020 and April 25, 2020. Claimant was also overpaid FPUC benefits of \$600.00 as an additional duplicate payment during the week-ending July 11, 2020 due to division computer error. Those benefits must be repaid to the agency, unless a waiver is granted.

REMAND:

The issue of whether the claimant's overpayment of FPUC benefits can be offset from his eligible for FPUC benefits beginning January 20, 2021 is remanded to the Benefits Bureau for an initial investigation and determination.

A rectangular box containing a handwritten signature in blue ink that reads "Dawn Boucher".

Dawn Boucher
Administrative Law Judge

July 21, 2021
Decision Dated and Mailed

db/lj