

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

LORI MEYERS
Claimant

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

APPEAL NO. 22A-UI-06295-JT-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/15/20
Claimant: Appellant (4)

Public Law 116-136, §2104 – Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

On March 13, 2022, Lori Meyers (claimant) filed a timely appeal from the March 9, 2022 (reference 02) decision that held she was overpaid \$2,400.00 in Federal Pandemic Unemployment Compensation (FPUC) for four weeks between June 28, 2020 and July 25, 2020, based on the deputy's conclusion that the claimant failed to report wages earned with OBOS CDR, L.L.C. After due notice was issued, a hearing was held on April 22, 2022. Claimant participated. There were three appeal numbers set for a consolidated hearing: 22A-UI-06294-JT-T, 22A-UI-06295-JT-T, and 22A-UI-06297-JT-T. Exhibit A, the online appeal, and Exhibit B, a pay stub for the June 15-28, 2020 pay period, were received into evidence. The administrative law judge took official notice of the following Agency administrative records: DBIN, KPYX, WAGE-A, the Request of Wage Records, and the reference 01, 02 and 03 decisions.

ISSUE:

Whether the claimant was overpaid \$2,400.00 in Federal Pandemic Unemployment Compensation (FPUC) for four weeks between June 28, 2020 and July 25, 2020, based on the deputy's conclusion that the claimant failed to report wages earned with OBOS CDR, L.L.C.

FINDINGS OF FACT:

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

Lori Meyers (claimant) established an original claim for benefits that was effective March 15, 2020. Iowa Workforce Development set the weekly benefit amount for regular state benefits at \$231.00. At the time the claimant established her claim for benefits, she was employed by OBOS CDR, L.L.C., doing business as Hampton Inn, as a full-time housekeeper. The claimant's wage was \$12.25 an hour. The claimant usually worked 32 hours per week. The claimant established the claim for benefits in response to a short-term layoff.

By June 28, 2020, the employer had recalled the claimant to the employment. During each of the 14 weeks between June 28, 2020 and October 3, 2020, the claimant worked sufficient hours to earn wages that exceeded her weekly benefit amount by \$15.00. For all of the weeks

between June 28, 2020 and October 3, 2020, except the week that ended July 25, 2020, the claimant underreported her wages when she made her weekly claim for benefits. During that period the claimant received regular benefits for all but the week that ended July 25, 2020. The regular benefits paid for that period totaled \$2,129.00. Subsequent to the recall, the claimant also received \$1,800.00 in Federal Pandemic Unemployment Compensation (FPUC) for three weeks between June 28, 2020 and July 18, 2020. Subsequent to the recall, the claimant also received \$1,800.00 in Lost Wages Assistance Payments (LWAP) benefits for the six weeks between July 26, 2020 and September 5, 2020.

On January 18, 2021, Iowa Workforce Development sent a Request of Wage Records to the employer in response to a discrepancy between the wages the claimant had weekly wages the claimant reported and the quarterly wages the employer had reported. IWD solicited hour and wage information for the weeks between June 28, 2020 and October 3, 2020. The employer provided hour and wage records that documented the claimant's hours and wages. The information the employer provided documented that the claimant had earned wages for each of the audited weeks that exceeded her weekly benefit amount plus \$15.00. The claimant confirms the information the employer provided is accurate.

REASONING AND CONCLUSIONS OF LAW:

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.

(3) Recovery by state agency —

(A) In general.—The State agency shall recover the amount to be repaid, or any part thereof, by deductions from any Federal Pandemic Unemployment Compensation payable to such individual or from any unemployment compensation payable to such individual under any State or Federal unemployment compensation law administered by the State agency or under any other State or Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the Federal Pandemic Unemployment Compensation to which they were not entitled, in accordance with the same procedures as apply to the recovery of overpayments of regular unemployment benefits paid by the State.

(B) Opportunity for hearing.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(4) Review.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

The evidence in the record establishes the claimant was overpaid \$1,800.00 in FPUC benefits for three weeks between June 28, 2020 and July 18, 2020, due to the claimant's failure to accurately report her weekly wages when making her weekly claims. The claimant was ineligible for regular benefits for those three weeks and, therefore, was ineligible for FPUC for each of those three weeks. See Appeal Number 22A-UI-06294-JT-T. The claimant did not receive FPUC benefits for the week that ended July 25, 2020 and was not overpaid benefits for that week. The claimant must repay the overpaid FPUC benefits unless the claimant applies for and is approved for waiver of repayment of FPUC benefits. See below.

DECISION:

The March 9, 2022 (reference 02) decision is MODIFIED in favor of the claimant/appellant as follows. The claimant was overpaid \$1,800.00 in FPUC benefits for three weeks between June 28, 2020 and July 18, 2020, due to the claimant's failure to accurately report her weekly wages when making her weekly claims. The claimant did not receive FPUC benefits for the week that ended July 25, 2020 and was not overpaid benefits for that week. The claimant must repay the overpaid FPUC benefits unless the claimant applies for and is approved for waiver of repayment of FPUC benefits. See below.



James E. Timberland
Administrative Law Judge

May 12, 2022
Decision Dated and Mailed

jet/scn

Note to Claimant: This decision determines you have been overpaid FPUC under the CARES Act. 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. Additionally, instructions for requesting a waiver of this overpayment can be found at <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment>. If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.