

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JENNIFER J CRISE
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

APPEAL 21A-UI-13737-AW-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 04/05/20
Claimant: Appellant (1R)

PL 116-136, Sec. 2104 – Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

Claimant filed an appeal from the May 26, 2021 (reference 06) unemployment insurance decision that found claimant was overpaid Federal Pandemic Unemployment Compensation (FPUC) benefits. Claimant was properly notified of the hearing. A telephone hearing was held on August 21, 2021, at 8:30 a.m. Claimant participated. No exhibits were admitted. Official notice was taken of the administrative record.

ISSUE:

Whether claimant is overpaid FPUC benefits.

FINDINGS OF FACT:

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

Claimant received FPUC benefits in the gross amount of \$4,200.00 for the seven-week period between May 10, 2020 and June 27, 2020 due to her eligibility for unemployment insurance (UI) benefits at that time.

On July 2, 2020, Iowa Workforce Development (IWD) issued a decision (reference 03) that denied claimant UI benefits effective May 10, 2020. That decision has been affirmed (see appeal 21A-UI-02017-AW-T).

Claimant applied for Pandemic Unemployment Assistance (PUA) benefits. On September 11, 2020, IWD issued a decision that allowed claimant PUA benefits effective May 10, 2020.

Claimant received FPUC benefits in the gross amount of \$3,600.00 for the six-week period between May 10, 2020 and June 20, 2020 due to her eligibility for PUA benefits.

The administrative record does not show that claimant was paid FPUC benefits for the week ending June 27, 2020 due to her eligibility for PUA benefits.

REASONING AND CONCLUSIONS OF LAW:

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

PL 116-136, 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 decision that denied claimant UI benefits remains in effect. Because claimant is not eligible for UI benefits, claimant is also not eligible for FPUC associated with those UI benefits. Therefore, claimant has received FPUC benefits to which claimant was not entitled. The administrative law judge concludes that claimant has been overpaid FPUC benefits in the amount of \$4,200.00. Those benefits must be recovered in accordance with Iowa law.

DECISION:

The May 26, 2021 (reference 06) unemployment insurance decision is affirmed. Claimant has been overpaid FPUC benefits in the amount of \$4,200.00, which must be repaid.

REMAND:

The issue of whether claimant is eligible for FPUC benefits based upon claimant's approval for PUA benefits for the week ending June 27, 2020 is remanded to the Benefits Bureau of Iowa Workforce Development for review and possible offset of the overpayment decision herein.



Adrienne C. Williamson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
Iowa Workforce Development
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515)478-3528

August 26, 2021
Decision Dated and Mailed

acw/kmj

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-and-recovery>. If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.