

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**BANYEKI EBAMBE**  
Claimant

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**APPEAL 21A-UI-21538JC-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 04/05/20**  
**Claimant: Appellant (4)**

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment  
PL116-136, Sec. 2104 – Federal Pandemic Unemployment Compensation (FPUC)

**STATEMENT OF THE CASE:**

The claimant/appellant, Banyeki Ebambe, filed an appeal from the September 24, 2021 (reference 06) Iowa Workforce Development (“IWD”) unemployment insurance decision that concluded she was overpaid FPUC benefits. After proper notice, a first hearing was scheduled for November 23, 2021. At the time of hearing, a postponement request was made by Ms. Ebambe’s brother on her behalf, to allow her to participate when she was not working. The request was granted.

After proper notice, a second hearing was scheduled for December 20, 2021. At the time of hearing, Ms. Ebambe was not available to participate. Her brother, Gustin Yakobo, requested a postponement because Ms. Ebambe would be unavailable until 3:30 p.m. At 3:30, the administrative law judge attempted to begin the hearing. Ms. Ebambe participated personally and through a Swahili interpreter from CTS Language Link. Gustin Yakobo also attended. The employer/respondent, Atrium Hospitality LP., did not participate. No testimony was taken as the administrative law judge was unable to complete the opening statement/directions due to noise and children crying with Ms. Ebambe. The administrative law judge again postponed the hearing and explained that in order to have a hearing, it must be quiet so everyone can hear each other and the hearing can be recorded. Ms. Ebambe agreed to a new hearing on January 20, 2022 at 3:30 p.m.

After proper notice, a telephone hearing was held on January 20, 2022. One hearing was held for Appeals 21A-UI-21534-JC-T, 21A-UI-21537-JC-T, 21A-UI-21538-JC-T, 21A-UI-21540-JC-T and 21A-UI-21543-JC-T. Ms. Ebambe participated through a Swahili interpreter from CTS Language Link. Gustin Yakobo, claimant’s brother, participated as her representative and also witness. Department Exhibits 1-9 were admitted into evidence. Official notice was taken of the administrative records.

**ISSUE:**

Is the Ms. Ebambe overpaid Federal Pandemic Unemployment Compensation (FPUC)?

**FINDINGS OF FACT:**

Having reviewed all the evidence presented and administrative records, the administrative law judge finds:

Ms. Ebambe opened her unemployment insurance claim with an effective date of April 5, 2020. She made weekly continued claims for unemployment insurance benefits for the period between April 5, 2020 and August 1, 2020.

Ms. Ebambe was paid \$2,748.49 in regular unemployment insurance benefits during the weeks between April 5, 2020 and July 11, 2020.

Ms. Ebambe was paid \$9,600.00 in supplemental Federal Pandemic Unemployment Compensation (FPUC) benefits between April 5, 2020 and July 25, 2020.

Ms. Ebambe was paid \$600.00 in Pandemic Emergency Unemployment Compensation (PEUC) benefits for the period of July 12, 2020 and August 1, 2020.

The initial decision which denied regular benefits to Ms. Ebambe has been modified in Appeal 21A-UI-21534-JC-T. Ms. Ebambe was found to be eligible for benefits for the period of April 5-19, 2020. For this period, specifically, she received \$600.00 for both weeks in FPUC benefits, for a total of \$1,200.00.

**REASONING AND CONCLUSIONS OF LAW:**

The issue in this case is whether the Ms. Ebambe was overpaid FPUC benefits.

Iowa Code section 96.3(7) provides, in pertinent part:

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 \$600.00 (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...

Here, Ms. Ebambe is disqualified from receiving regular unemployment insurance (UI) benefits and PEUC benefits April 20, 2020 through August 1, 2020. Accordingly, this also disqualifies Ms. Ebambe from receiving Federal Pandemic Unemployment Compensation (FPUC). However, Ms. Ebambe was entitled to receive FPUC benefits for the period of April 5, 2020 through April 19, 2020, and therefore her overpayment is reduced from \$9,600.00 to \$8,400.00

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.**

**DECISION:**

The unemployment insurance decision dated September 25, 2021, (reference 06), is modified Ms. Ebambe was overpaid \$8,400.00 (not \$9,600.00) in Federal Pandemic Unemployment Compensation (FPUC).



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Jennifer L. Beckman  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
Iowa Workforce Development  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax 515-478-3528

February 11, 2022  
Decision Dated and Mailed

jlb/mh

**Note to Ms. Ebambe:** This decision determines you are not eligible for regular unemployment insurance benefits. 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.

Individuals who do not qualify for regular unemployment insurance benefits, but who were unemployed between February 2, 2020 and June 12, 2021 for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>. **The authorization code is 1 , the pin**

You may find information about food, housing, and other resources at <https://covidrecoveryiowa.org/> or at <https://dhs.iowa.gov/node/3250>

Iowa Finance Authority also has additional resources at <https://www.iowafinance.com/about/covid-19-ifa-recovery-assistance/>