

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KAREN D TABER
Claimant

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

APPEAL 21A-UI-02770-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

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

Iowa Code § 96.3(7) – Overpayment of Benefits

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the February 2, 2021 (reference 04) unemployment insurance decision that found claimant was overpaid regular unemployment insurance benefits funded by the State of Iowa in the amount of \$3,741.67 from March 15, 2020 through August 8, 2020. The claimant was properly notified of the hearing. A telephone hearing was held on March 11, 2021. The claimant participated personally. Claimant's Exhibits A, B, C, D, E, and F were admitted. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records. The hearing was consolidated with Appeal No. 21A-UI-02762-DB-T; 21A-UI-02764-DB-T; 21A-UI-02767-DB-T; 21A-UI-02773-DB-T; and 21A-UI-02776-DB-T.

ISSUE:

Is the claimant overpaid regular unemployment insurance benefits funded by the State of Iowa between March 15, 2020 and August 8, 2020?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant started working for this employer in the Fall of 1998. She has worked as an on-call substitute teacher beginning on October 2, 2014 and continues to work for the employer in that same capacity. Claimant filed her original claim for unemployment insurance benefits effective March 15, 2020. Claimant's established weekly-benefit amount was \$180.00. Claimant filed an additional claim for benefits effective November 22, 2020. Claimant's administrative records establish that her base period included the following on-call wages with an educational institution:

	2018/4	2019/1	2019/2	2019/3
Ames Community School District	\$4,160.00	\$2,970.00	\$3,255.00	\$840.00

Claimant's administrative records establish that she filed weekly-continued claims for benefits for the following weeks and was paid the following amounts in regular unemployment insurance benefits:

Week-ending March 21, 2020

Paid \$180.00 in regular benefits

Week-ending March 28, 2020	Paid \$180.00 in regular benefits
Week-ending April 4, 2020	Paid \$180.00 in regular benefits
Week-ending April 11, 2020	Paid \$180.00 in regular benefits
Week-ending April 18, 2020	Paid \$180.00 in regular benefits
Week-ending April 25, 2020	Paid \$180.00 in regular benefits
Week-ending May 2, 2020	Paid \$180.00 in regular benefits
Week-ending May 9, 2020	Paid \$180.00 in regular benefits
Week-ending May 16, 2020	Paid \$180.00 in regular benefits
Week-ending May 23, 2020	Paid \$180.00 in regular benefits
Week-ending May 30, 2020	Paid \$180.00 in regular benefits
Week-ending June 6, 2020	Paid \$180.00 in regular benefits
Week-ending June 13, 2020	Paid \$180.00 in regular benefits
Week-ending June 20, 2020	Paid \$180.00 in regular benefits
Week-ending June 27, 2020	Paid \$180.00 in regular benefits
Week-ending July 4, 2020	Paid \$180.00 in regular benefits
Week-ending July 11, 2020	Paid \$180.00 in regular benefits
Week-ending July 18, 2020	Paid \$180.00 in regular benefits
Week-ending July 25, 2020	Paid \$180.00 in regular benefits
Week-ending August 1, 2020	Paid \$180.00 in regular benefits
Week-ending August 8, 2020	Paid \$141.67 in regular benefits
Week-ending August 15, 2020	Paid \$180.00 in PEUC benefits
Week-ending August 22, 2020	Paid \$180.00 in PEUC benefits
Week-ending August 29, 2020	Paid \$180.00 in PEUC benefits
Week-ending September 5, 2020	Paid \$180.00 in PEUC benefits
Week-ending September 12, 2020	Paid \$180.00 in PEUC benefits
Week-ending September 19, 2020	Paid \$180.00 in PEUC benefits
Week-ending September 26, 2020	Paid \$180.00 in PEUC benefits
Week-ending October 3, 2020	Paid \$180.00 in PEUC benefits
Week-ending November 21, 2020	Paid \$0.00
Week-ending November 28, 2020	Paid \$0.00
Week-ending December 5, 2020	Paid \$0.00

For the week-ending March 21, 2020, work was not available because the employer was on its customary spring break and the claimant had reasonable assurance to return after the customary break.

For the week-ending March 28, 2020 through the week-ending April 18, 2020, the school was completely closed during the COVID-19 pandemic and the claimant had no opportunity to work due to the closure.

The schools reopened in an online learning environment only for the remainder of the school year beginning the benefit week of April 19, 2020 through the end of the school year on June 2, 2020 (week-ending June 6, 2020). There were substitute teaching positions available while the school was operating in an online only learning environment, but the positions were limited due to the fact that regulations changed to allow a larger pool of participants to substitute teach and regular teachers could work from home.

Following the end of the 2019/2020 term, the claimant was sent an email communication that asked if she intended to be a substitute teacher for the 2020/2021 school year. Claimant completed that form and indicated that she did intend to continue to be a substitute teacher for the upcoming 2020/2021 school year. From the week of June 7, 2020 through the week-ending August 22, 2020, the school was shut down due to its regular summer closure between academic years or terms.

The 2020/2021 school year was scheduled to begin on or about August 24 – 26, 2020, depending on the school; however, the schools did not reopen until September 8, 2020 and did so in an online learning environment only. See Exhibit A. Therefore, for the week beginning August 23, 2020 through the week-ending September 5, 2020, the schools were completely closed and there was no work available for the claimant as a substitute teacher.

Schools began the 2020/2021 school year in an online learning environment from September 8, 2020 through the week-ending September 19, 2020. There was work available to substitute teachers but it was again limited due to regular teachers being able to teach from home and the pool of substitute teachers being expanded due to changed regulations.

Schools were open in person from the week beginning September 20, 2020 through November 10, 2020. However, claimant was ill effective September 21, 2020 and was required to quarantine due to COVID-19 like symptoms through the week-ending October 3, 2020, so she did work due to quarantine during that period of time.

Claimant returned to work as a substitute teacher effective the week beginning October 4, 2020 through November 10, 2020. She worked 24 days during this time period. See Exhibit A.

On or about November 11, 12, and 16, 2020, the employer again transitioned to an online only learning environment through December 9, 2020. There were substitute positions available; however, they were limited again due to regular teachers being able to work from home and other persons being able to substitute teach.

Schools transitioned back to in person learning on December 9, 2020. Claimant has worked substitute teaching assignments since December 9, 2020.

Claimant's administrative records establish that she was paid regular unemployment insurance benefits of \$3,741.67 from March 15, 2020 through August 8, 2020. Claimant was paid Lost Wages Assistance (LWA) benefits of \$1,800.00 from July 26, 2020 through September 5, 2020. Claimant was paid Federal Pandemic Unemployment Compensation (FPUC) benefits of \$10,200.00 from March 29, 2020 through July 25, 2020. Claimant was paid Pandemic Emergency Unemployment Compensation (PEUC) benefits of \$1,440.00 from August 9, 2020 through October 3, 2020.

Regular unemployment insurance benefits were denied from March 15, 2020 through March 21, 2020 due to the claimant having reasonable assurance during a customary break period. See Appeal No. 21A-UI-02767-DB-T. Claimant was paid \$180.00 during that one-week period that she was found to be ineligible for regular unemployment insurance benefits.

Regular unemployment insurance benefits were allowed from March 22, 2020 through April 18, 2020 in Appeal No. 21A-UI-02762-DB-T.

Regular unemployment insurance benefits were denied from April 19, 2020 through June 6, 2020 in Appeal No. 21A-UI-02762-DB-T. Claimant received \$1,260.00 in regular unemployment insurance benefits during that seven-week period of time she was found to be ineligible.

Regular unemployment insurance benefits were denied from June 7, 2020 through August 22, 2020 in Appeal No. 21A-UI-02767-DB-T due to reasonable assurance. Claimant was paid \$1,581.67 in regular unemployment insurance benefits funded by the State of Iowa for nine weeks between June 7, 2020 and August 8, 2020. PEUC benefits were paid after August 8, 2020.

Regular unemployment insurance benefits were allowed from August 23, 2020 through September 5, 2020 in Appeal No. 21A-02762-DB-T.

Regular unemployment insurance benefits were denied from September 6, 2020 through September 19, 2020 and from September 20, 2020 through October 3, 2020 in Appeal No. 21A-UI-02762-DB-T. However, the claimant did not receive regular unemployment insurance benefits funded by the State of Iowa during that period of time, as she received PEUC benefits.

Regular unemployment insurance benefits were denied from November 15, 2020 through December 5, 2020 in Appeal No. 21A-UI-02762-DB-T; however, the claimant did not receive any benefits at all during that period of time.

The issue of whether the claimant's PUA benefits can be offset for recovery of any outstanding regular unemployment insurance benefits will be remanded to the Benefits Bureau of Iowa Workforce Development for an initial investigation and determination.

REASONING AND CONCLUSIONS OF LAW:

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

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.

In this case, regular unemployment insurance benefits were denied from March 15, 2020 through March 21, 2020 due to the claimant having reasonable assurance during a customary break period. See Appeal No. 21A-UI-02767-DB-T. Claimant was paid \$180.00 during that one-week period that she was found to be ineligible for regular unemployment insurance benefits and is therefore overpaid \$180.00 in regular unemployment insurance benefits for that one-week period.

Regular unemployment insurance benefits were allowed from March 22, 2020 through April 18, 2020 in Appeal No. 21A-UI-02762-DB-T and therefore the claimant is not overpaid regular unemployment insurance benefits during that period of time.

Regular unemployment insurance benefits were denied from April 19, 2020 through June 6, 2020 in Appeal No. 21A-UI-02762-DB-T. Claimant received \$1,260.00 in regular unemployment insurance benefits during that seven-week period of time she was found to be ineligible and is therefore overpaid \$1,260.00 in regular unemployment insurance benefits for that seven-week period.

Regular unemployment insurance benefits were denied from June 7, 2020 through August 22, 2020 in Appeal No. 21A-UI-02767-DB-T due to reasonable assurance. Claimant was paid \$1,581.67 for nine weeks between June 7, 2020 and August 8, 2020. PEUC benefits were paid after August 8, 2020. Therefore, the claimant is overpaid regular unemployment insurance benefits of \$1,581.67 for nine weeks between June 7, 2020 and August 8, 2020.

Regular unemployment insurance benefits were allowed from August 23, 2020 through September 5, 2020 and the claimant is not overpaid unemployment insurance benefits during that period of time.

Regular unemployment insurance benefits were denied from September 6, 2020 through September 19, 2020 and from September 20, 2020 through October 3, 2020 in Appeal No. 21A-UI-02762-DB-T. However, the claimant did not receive regular unemployment insurance benefits funded by the State of Iowa during that period of time and is therefore not overpaid regular unemployment insurance benefits during that period of time.

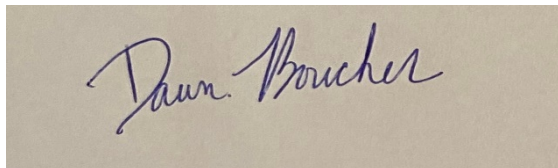
Regular unemployment insurance benefits were denied from November 15, 2020 through December 5, 2020 in Appeal No. 21A-UI-02762-DB-T; however, the claimant did not receive any benefits at all during that period of time and is therefore not overpaid.

DECISION:

The February 2, 2021 (reference 04) unemployment insurance decision is modified in favor of the appellant. The claimant was overpaid regular unemployment insurance benefits of \$3,021.67 for the one-week period of March 15, 2020 through March 21, 2020, the seven-week period of April 19, 2020 through June 6, 2020 and the nine-week period of June 7, 2020 through August 8, 2020.

REMAND:

This matter of whether the claimant's PUA allowance benefits may be offset to recover her regular unemployment insurance benefits overpayment is remanded to the Benefits Bureau for an initial investigation and determination.

A handwritten signature in blue ink that reads "Dawn Boucher". The signature is written in a cursive, flowing style.

Dawn Boucher
Administrative Law Judge

March 31, 2021
Decision Dated and Mailed

db/kmj