

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**DAVID J MARTIN**  
Claimant

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**APPEAL 22A-UI-10112-DB-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 06/14/20**  
**Claimant: Appellant (1R)**

Iowa Code § 96.3(7) – Overpayment of Benefits  
PL 116-136 Section 2104 – Federal Pandemic Unemployment Compensation (FPUC)  
PL 116-136 Section 2107 – Pandemic Emergency Unemployment Compensation (PEUC)

**STATEMENT OF THE CASE:**

The claimant/appellant filed an appeal from the April 12, 2022 (reference 05) unemployment insurance decision that found claimant was overpaid PEUC benefits in the amount of \$1,040.00 for the weeks between November 7, 2020 and January 30, 2021 on his June 14, 2020 claim year and overpaid FPUC benefits in the amount of \$5,100.00 for the weeks of June 20, 2020 through January 30, 2021 on his June 14, 2020 claim year. The claimant was properly notified of the hearing. A telephone hearing was held on June 6, 2022. The claimant participated personally. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records. The hearing was consolidated with Appeal No. 22A-UI-10108-DB-T.

**ISSUE:**

Is the claimant overpaid PEUC or FPUC benefits?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed for unemployment insurance benefits effective June 14, 2020. His weekly benefit amount was \$80.00. Between June 14, 2020 and September 26, 2020 the claimant was paid regular unemployment insurance benefits of \$1,157.73, his maximum benefit amount for that claim year. Claimant was also paid PEUC benefits of \$1,040.00 for the weeks between November 7, 2020 and January 30, 2021. Claimant was also paid FPUC benefits of \$5,100.00 for the weeks between June 20, 2020 and January 30, 2021.

An unemployment insurance decision was issued on February 25, 2021 (reference 03) which found that the claimant was not eligible for regular unemployment insurance benefits effective June 14, 2020 because he had not earned at least eight times his previous weekly benefit amount in order to be eligible for benefits in a subsequent claim year. That denial decision was affirmed in Appeal No. 22A-UI-06653-ED-T and has currently been appealed to the Employment

Appeal Board (EAB). No decision has been issued by the EAB at this time regarding that appeal.

Claimant had filed a previous original claim effective June 16, 2019 which expired June 14, 2020. His weekly-benefit amount for that claim year was \$177.00. During that previous claim year, he reached his maximum State of Iowa funded benefit amount of \$3,475.99 during the weeks between June 16, 2019 and November 2, 2019. He was then paid Federal Pandemic Emergency Unemployment Compensation (PEUC) benefits on his June 16, 2019 claim year for the weeks between April 12, 2020 and October 24, 2020 and then again for the weeks between January 31, 2021 and May 29, 2021. Claimant was paid State of Iowa Extended Benefits for one-week ending October 31, 2020.

Claimant's administrative records indicate that he may have been eligible for PEUC payments on his prior June 16, 2019 claim year from June 14, 2020 through July 11, 2020 and State of Iowa Extended Benefits (EB) from July 12, 2020 and continuing for 13 weeks. After exhausting EB, claimant may have been eligible for PUA benefits, provided he filed an application for PUA benefits and met the requirements for eligibility. Claimant's administrative records further establish that he received additional PEUC benefits from January 31, 2021 through April 10, 2021 on his previous claim year; however, no PEUC benefits paid out to him on his previous claim year beginning December 27, 2021. The matter of whether the claimant was eligible for additional PEUC benefits, EB benefits and PUA benefits on his June 16, 2019 claim year 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:

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.

Section 2107 of the CARES Act, PL 116-136, created a new temporary federal program called Pandemic Emergency Unemployment Compensation (PEUC) that initially provided up to 13 additional weeks of benefits to individuals who have exhausted their regular unemployment compensation entitlement.

PL 116-136 Sec 2107 provides in pertinent part:

**PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION.**

**(a) FEDERAL-STATE AGREEMENTS. —**

**(1) IN GENERAL. —** Any State which desires to do so may enter into and participate in an agreement under this section with the Secretary of Labor (in this section referred to as the

“Secretary”). Any State which is a party to an agreement under this section may, upon providing 30 days’ written notice to the Secretary, terminate such agreement.

(2) PROVISIONS OF AGREEMENT. —

Any agreement under paragraph (1) shall provide that the State agency of the State will make payments of pandemic emergency unemployment compensation to individuals who—

(A) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before July 1, 2019);

(B) have no rights to regular compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law;

(C) are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

(D) are able to work, available to work, and actively seeking work.

In this case, the claimant received PEUC benefits after exhausting his regular unemployment insurance benefits funded by the State of Iowa during his June 14, 2020 claim year. However, claimant was found to be ineligible for benefits due him not earning sufficient wages to be eligible in a subsequent claim year in Appeal No. 22A-UI-06653-ED-T. As such, the claimant has been overpaid PEUC benefits in the amount of \$1,040.00 for the weeks between November 7, 2020 and January 30, 2021 in his June 14, 2020 claim year.

Pursuant to PL 116-136 Section 2107(E)(2) of the CARES Act, the claimant may request a waiver of the overpayment of PEUC benefits. The request for waiver should be sent to:

Iowa Workforce Development  
Overpayment Waiver Request  
1000 East Grand Avenue  
Des Moines, Iowa 50319

The request for waiver of overpayment should include the claimant’s name, address, decision number and date of decision, dollar amount of overpayment requested for waiver, and all relevant facts the claimant feels would justify a waiver of the overpayment balance. The claimant may also visit <https://www.iowaworkforcedevelopment.gov/application-overpayment-waiver>.

The next issue is whether the claimant was overpaid FPUC benefits on his June 14, 2020 claim year for the weeks between June 20, 2020 and January 30, 2021. The administrative law judge finds that he was.

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...

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 Continued Assistance to Unemployed Workers Act of 2020 (CAA) was enacted, which reauthorized the FPUC program for weeks of unemployment beginning after December 26, 2020 and ending on or before March 14, 2021. The CAA modified the weekly supplemental benefit amount from \$600.00 to \$300.00. 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.

In this case, the claimant received FPUC benefits from June 20, 2020 through January 30, 2021 on his June 14, 2020 claim year because at that time there was no disqualifying decision that found he was not eligible for the regular unemployment insurance benefits funded by the State of Iowa or the PEUC benefits. The FPUC benefits were paid in conjunction with and based upon his initial eligibility for regular unemployment insurance benefits funded by the State of Iowa and initial eligibility for PEUC benefits. As soon as the claimant was disqualified from receipt of benefits in a subsequent claim year, he was no longer eligible for FPUC benefits.

Because the claimant has not been found eligible for PUA benefits or any other qualifying program in which FPUC benefits would be allowed at this time, the claimant has been overpaid FPUC benefits in the amount of \$5,100.00 for the weeks between June 20, 2020 and January 30, 2021. This overpayment may change if the claimant is determined to be eligible for additional PEUC, EB or PUA benefits in his June 16, 2019 claim year.

Further, those benefits must be repaid unless a waiver is requested and granted. Pursuant to PL 116-136 Section 2104(F)(2) of the CARES Act, the claimant may request a waiver of the overpayment of FPUC benefits. The request for waiver should be sent to:

Iowa Workforce Development  
Overpayment Waiver Request  
1000 East Grand Avenue  
Des Moines, Iowa 50319

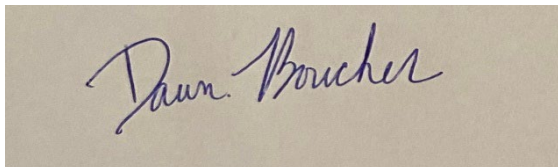
The request for waiver of overpayment should include the claimant's name, address, decision number and date of decision, dollar amount of overpayment requested for waiver, and all relevant facts the claimant feels would justify a waiver of the overpayment balance. The claimant may also visit <https://www.iowaworkforcedevelopment.gov/application-overpayment-waiver>.

**DECISION:**

The April 12, 2022 (reference 05) unemployment insurance decision is affirmed, subject to the remanded issues listed below. The claimant was overpaid PEUC benefits of \$1,040.00 for the weeks of November 7, 2020 through January 30, 2021 on his June 14, 2020 claim year. The claimant was overpaid FPUC benefits of \$5,100.00 for the weeks between June 20, 2020 and January 30, 2021 on his June 14, 2020 claim year.

**REMAND:**

Claimant's administrative records indicate that he may have been eligible for PEUC payments on his prior June 16, 2019 claim year from June 14, 2020 through July 11, 2020 and State of Iowa Extended Benefits (EB) from July 12, 2020 and continuing for 13 weeks. After exhausting EB, claimant may have been eligible for PUA benefits, provided he filed an application for PUA benefits and met the requirements for eligibility. Claimant's administrative records further establish that he received additional PEUC benefits from January 31, 2021 through April 10, 2021 on his previous claim year; however, no PEUC benefits paid out to him on his previous claim year beginning December 27, 2021 (when PEUC again became available for claimants). The matter of whether the claimant was eligible for additional PEUC benefits, EB benefits and PUA benefits on his June 16, 2019 claim year will be remanded to the Benefits Bureau for an initial investigation and determination. If the claimant is found eligible for additional benefits, a determination whether additional supplemental FPUC benefits are due and owing shall be made at that time.



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Dawn Boucher  
Administrative Law Judge

June 14, 2022  
Decision Dated and Mailed

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