

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

CASSIE S PETERS
Claimant

APPEAL NO. 22A-UI-01523-JT-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 03/29/20
Claimant: Appellant (1R)

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

STATEMENT OF THE CASE:

The claimant, Cassie Peters, filed a timely appeal from the December 15, 2021, reference 02, decision that held the claimant was overpaid \$600.00 in Federal Pandemic Unemployment Compensation (FPUC) benefits for the week that ended July 11, 2020, due to a duplicate FPUC payment being issued to the claimant for that week. After due notice was issued, a hearing was held on February 9, 2022. Claimant participated. The hearing in this matter was consolidated with the hearing in Appeal Number 22A-UI-01522-JT-T. Exhibit A was received into evidence. The administrative law judge took official notice of the following Agency administrative records: DBIN, KPY1, KPYX, KCCO, and the Claim Detail pertaining to the PUA allowance.

ISSUE:

Whether the claimant was overpaid \$600.00 in FPUC benefits for the week that ended July 11, 2020, due to a duplicate FPUC payment being issued to the claimant for that week.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant attempted to establish an original claimant for benefits effective March 29, 2020. Iowa Workforce Development denied regular benefits due to insufficient base period wages. Iowa Workforce Development approved the claimant \$203.00 in weekly Pandemic Unemployment Assistance (PUA) benefits for the period beginning March 29, 2020. The claimant was also approved for \$600.00 in Federal Pandemic Unemployment Compensation (FPUC), based on her eligibility for PUA benefits.

The claimant commenced making weekly claims on May 3, 2020, when she made a claim for the week that ended May 2, 2020. On May 10, 2020, the claimant attempted to make retroactive claims for the weeks ending April 4, April 11, April 18, and April 25, 2020. There is no indication that IWD acknowledged the weekly claims for April 4, April 11, April 18, and April 25, 2020 or that IWD ever paid any benefits in connection with those weeks.

The claimant received PUA benefits that included PUA Benefits for the week that ended July 11, 2020. On July 14, 2020, Iowa Workforce Development paid the claimant \$203.00 in PUA

benefits for the week that ended July 11, 2020. The net amount after federal and state taxes were withheld was \$172.55. On July 15 2020, IWD again paid the claimant \$203.00 in PUA benefits for the week that ended July 11, 2020.

The claimant also received Federal Pandemic Unemployment Compensation (FPUC) for the week that ended July 11, 2020. On July 14, 2020, Iowa Workforce Development paid the claimant \$600.00 in FPUC benefits for the week that ended July 11, 2020. The net amount after federal and state taxes were withheld was \$510.00. On July 15 2020, IWD again paid the claimant \$600.00 in FPUC benefits for the week that ended July 11, 2020.

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 that the claimant was indeed overpaid \$600.00 in FPUC benefits for the week that ended July 11, 2020, due to the duplicate FPUC payment made for that week. The claimant must repay the overpaid FPUC benefits unless she applies for and is approved for waiver of FPUC repayment. See below.

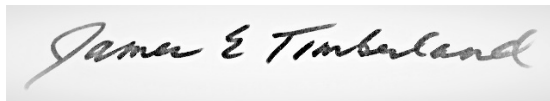
This matter will be remanded for a determination of whether the claimant may be paid FPUC benefits for the weeks ending April 4, April 11, April 18, and April 25, 2020, despite the late weekly claims for those weeks.

DECISION:

The December 15, 2021, reference 02, decision is affirmed. The claimant was overpaid \$600.00 in Federal Pandemic Unemployment Compensation (FPUC) benefits for the week that ended July 11, 2020, due to a duplicate FPUC payment being issued to the claimant for that week. The claimant must repay the overpaid FPUC benefits unless she applies for and is approved for waiver of FPUC repayment. See below.

REMAND:

This matter is **remanded** to the Benefits Bureau for a determination of whether the claimant may be paid FPUC benefits for the weeks ending April 4, April 11, April 18, and April 25, 2020, despite the late weekly claims for those weeks.



James E. Timberland
Administrative Law Judge

February 28, 2022
Decision Dated and Mailed

jet/kmj

Note to Claimant: This decision determines you have been overpaid FPUC benefits 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.