

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

BLAKE E HOPPE
Claimant

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

APPEAL NO. 22A-UI-00245-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 03/22/20
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

The claimant, Blake Hoppe, filed a timely appeal from the November 11, 2021, reference 03 decision that held he was overpaid \$1,800.00 in Federal Pandemic Unemployment Compensation (FPUC) for six weeks between December 27, 2020 and February 6, 2021, due to the reference 01 decision that disqualified the claimant for benefits in connection with a voluntary quit due to non-work related medical issues. After due notice was issued, a hearing was held on January 24, 2022. The claimant participated and presented additional testimony through Patrick Hoppe and Amanda Hageman. There were three appeal numbers set for a consolidated hearing: Appeal Numbers 22A-UI-00243-JTT, 22A-UI-00244-JTT and 22A-UI-00245-JTT. Exhibit A was received into evidence. The administrative law judge took official notice of the reference 01, 02 and 03 decisions and of the deputy's notes regarding the attempted reference 01 fact-finding interview. The administrative law judge took official notice of Agency's administrative record of benefits disbursed to the claimant (DBRO and KPYX). The administrative law judge took official notice of Appeals Bureau records reflecting the absence of an appeal from the claimant prior to November 22, 2021.

ISSUE:

Whether the claimant was overpaid \$1,800.00 in Federal Pandemic Unemployment Compensation (FPUC) for six weeks between December 27, 2020 and February 6, 2021, due to the reference 01 decision that disqualified the claimant for benefits in connection with a voluntary quit due to non-work related medical issues.

FINDINGS OF FACT:

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

The claimant, Blake Hoppe, established an original claim for benefits that was effective March 22, 2020. Iowa Workforce Development set the weekly benefit amount for regular benefits at \$326.00. The claimant received benefits that included \$326.00 in regular benefits for each of the nine weeks between November 29, 2020 and February 6, 2021. The regular benefits paid for those nine weeks totaled \$2,934.00. The claimant also received \$300.00 in weekly Federal Pandemic Unemployment Compensation (FPUC) benefits for each of the six

weeks between December 27, 2020 and February 6, 2021. The FPUC benefits paid for that period totaled \$1,800.00.

On February 16, 2021, an Iowa Workforce Development Benefits Bureau deputy entered a reference 01 decision that disqualified the claimant for benefits, based on the deputy's conclusion that the claimant voluntarily quit employment with Toppling Goliath, Inc. on November 30, 2020 without good cause attributable to the employer due to a non-work related illness. The referenced 01 decision prompted and is the basis for the overpayment decision from which the claimant appeals in the present matter. The reference 01 decision has been affirmed in Appeal Number 22A-UI-00243-JTT, due to an untimely appeal in that matter. The reference 01 decision remains in effect.

REASONING AND CONCLUSIONS OF LAW:

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.

Because the reference 01 decision disqualified the claimant for benefits, and because the reference 01 decision remains in effect, the \$1,800.00 in Federal Pandemic Unemployment Compensation (FPUC) the claimant received for six weeks between December 27, 2020 and February 6, 2021 is an overpayment of benefits. The claimant must repay the overpaid FPUC benefits unless he applies for and is approved for waiver of repayment of FPUC benefits. See below.

DECISION:

The November 11, 2021, reference 03, decision is affirmed. The claimant was overpaid \$1,800.00 in Federal Pandemic Unemployment Compensation (FPUC) for six weeks between December 27, 2020 and February 6, 2021 is an overpayment of benefits. The claimant must repay the overpaid FPUC benefits unless he applies for and is approved for waiver of repayment of FPUC benefits. See below.



James E. Timberland
Administrative Law Judge

February 11, 2022
Decision Dated and Mailed

jet/scn

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