

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**CASSIE S PETERS**  
Claimant

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**APPEAL NO. 22A-UI-01522-JT-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

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

Iowa Code Section 96.3(7) – Overpayment of Benefits  
Public Law 116-136, §2102 – Pandemic Unemployment Assistance Overpayment

**STATEMENT OF THE CASE:**

The claimant, Cassie Peters, filed a timely appeal from the December 15, 2021, reference 01, decision that held the claimant was overpaid \$203.00 in Pandemic Unemployment Assistance (PUA) benefits for the week that ended July 11, 2020, due to a duplicate PUA 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-01523-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 \$203.00 in PUA benefits for the week that ended July 11, 2020, due to a duplicate PUA 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 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:**

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.

b. (1) (a) If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The Pandemic Unemployment Assistance program provides for weekly unemployment benefit assistance to any covered individual for any weeks beginning on or after January 27, 2020 and ending on or before December 31, 2020, during which the individual is unemployed, partially unemployed, or unable to work due to COVID-19. That period was subsequently extended through the week ending September 4, 2021. See American Rescue Plan Act of 2021. Iowa ended its participation in the program effective June 12, 2021.

Public Law 116-136, Sec. 2102 provides in relevant part:

(h) RELATIONSHIP BETWEEN PANDEMIC UNEMPLOYMENT ASSISTANCE AND DISASTER UNEMPLOYMENT ASSISTANCE.—Except as otherwise provided in this section or to the extent there is a conflict between this section and section 625 of title 20, Code of Federal Regulations, such section 625 shall apply to this section as if—

(1) the term “COVID–19 public health emergency” were substituted for the term “major disaster” each place it appears in such section 625; and

(2) the term “pandemic” were substituted for the term “disaster” each place it appears in such section 625.

20 CFR Sec. 625.14 provides in relevant part:

(a) Finding and repayment. If the State agency of the applicable State finds that an individual has received a payment of DUA to which the individual was not entitled under the Act and this part, whether or not the payment was due to the individual's fault or

misrepresentation, the individual shall be liable to repay to the applicable State the total sum of the payment to which the individual was not entitled, and the State agency shall take all reasonable measures authorized under any State law or Federal law to recover for the account of the United States the total sum of the payment to which the individual was not entitled.

The evidence in the record establishes that the claimant was indeed overpaid \$203.00 in PUA benefits for the week that ended July 11, 2020, due to the duplicate PUA payment made for that week. The claimant must repay the overpaid PUA benefits unless she applies for and is approved for waiver of PUA repayment. See below.

This matter will be remanded for a determination of whether the claimant may be paid PUA 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 01, decision is affirmed. The claimant was overpaid \$203.00 in Pandemic Unemployment Assistance (PUA) benefits for the week that ended July 11, 2020, due to a duplicate PUA payment being issued to the claimant for that week. The claimant must repay the overpaid PUA benefits unless she applies for and is approved for waiver of PUA repayment. See below.

**REMAND:**

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



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James E. Timberland  
Administrative Law Judge

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February 28, 2022  
Decision Dated and Mailed

jet/kmj

*Note to Claimant:* This decision determines you have been overpaid PUA 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.