

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

KIMBERLY D NEWMAN
Claimant

APPEAL 22A-UI-07128-CS-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

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

PL 116-136, Sec. 2107 – Federal Pandemic Emergency Unemployment Compensation
Iowa Code § 96.3(7) – Recovery of Benefit Overpayment

STATEMENT OF THE CASE:

On March 24, 2022, claimant/appellant appealed the March 17, 2022, (reference 04) decision that concluded the claimant was overpaid Federal Pandemic Emergency Unemployment Compensation (“PEUC”) benefits in the amount of \$2,090.00 for the twenty-two-week period ending February 27, 2021. A telephonic hearing was held on May 5, 2022. The hearing was held together with appeals 22A-UI-07126-CS-T; 22A-UI-07127-CS-T; 22A-UI-07129-CS-T; and 22A-UI-07130-CS-T, and combined into one record. The administrative law judge took official notice of the administrative record.

ISSUE:

Is the claimant overpaid PEUC benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed for and has received PEUC benefits in the gross amount of \$2,090.00 for the twenty-two week period ending February 27, 2021. On April 16, 2021, Iowa Workforce Development (IWD) issued a decision (reference 02) that found claimant was ineligible for PEUC benefits. That decision has been affirmed. See 22A-UI-07126-CS-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow the administrative law judge concludes that the claimant has been overpaid PEUC benefits.

PL 116-136 Sec 2107 provides in pertinent part:

PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION.

(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.

(emphasis added).

(e) FRAUD AND OVERPAYMENTS.—

...

(2) REPAYMENT.—In the case of individuals who have received amounts of pandemic emergency unemployment compensation under this section to which they were not entitled, the State shall require such individuals to repay the amounts of such pandemic emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(A) the payment of such pandemic emergency unemployment compensation was without fault on the part of any such individual; and

(B) such repayment would be contrary to equity and good conscience.

The decision that denied claimant regular unemployment insurance benefits remains in effect. Because claimant is not eligible for UI benefits, claimant is not eligible for PEUC benefits. Therefore, claimant has received PEUC benefits to which they were not entitled. The administrative law judge concludes that claimant has been overpaid PEUC benefits in the amount outlined in the findings of fact above. Those benefits must be recovered in accordance with Iowa law.

DECISION:

The March 17, 2022 (reference 04) decision is AFFIRMED. Claimant has been overpaid PEUC benefits in the amount of \$2,090.00, which must be repaid.



Carly Smith
Administrative Law Judge
Unemployment Insurance Appeals Bureau

May 25, 2022
Decision Dated and Mailed

cs/scn

Note to Claimant:

This decision determines you have been overpaid PEUC 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/federal-unemployment-insurance-overpayment-recovery>. If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.

You may find additional information about food, housing, and other resources at <https://covidrecoveryiowa.org/> or at <https://dhs.iowa.gov/node/3250>