

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

BRITTANY GOURLEY
Claimant

APPEAL 21A-UI-18854-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 03/22/20
Claimant: Appellant (4)

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

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the August 21, 2021 (reference 06) unemployment insurance decision that found claimant was overpaid FPUC benefits in the amount of \$4,800.00 for thirteen weeks ending July 25, 2020. The claimant was properly notified of the hearing. A telephone hearing was held on October 20, 2021. 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. 21A-UI-18852-DB-T; 21A-UI-18853-DB-T; and 21A-UI-18855-DB-T.

ISSUE:

Is the claimant overpaid FPUC benefits from March 22, 2020 through July 25, 2020?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed an original claim for regular unemployment insurance benefits funded by the State of Iowa with an effective date of March 22, 2020. Her established weekly-benefit amount was \$440.00. When claimant initially filed for benefits, her employment start date with Crossroads Youth had been extended due to the COVID-19 pandemic. Following her separation from employment with Crossroads Youth, she began working full-time for another employer. Initially the claimant had received regular unemployment insurance benefits from June 1, 2020 through August 29, 2020 until a decision dated September 3, 2020 (reference 02) was issued that found her separation from employment with Crossroads Youth was disqualifying and she was not eligible for regular unemployment insurance benefits.

Claimant filed an appeal to the September 3, 2020 (reference 02) disqualifying decision and that decision was modified in favor of the appellant in Appeal No. 21A-UI-18852. However, while the separation from employment with Crossroads Youth was found not to be disqualifying, the claimant was found not to be able to and available for work as she was working full-time in Appeal No. 21A-UI-18852-DB-T. As such, regular unemployment insurance benefits were

denied effective June 1, 2020 and continuing pursuant to Iowa Code § 96.4(3) in Appeal No. 21A-UI-18852-DB-T.

Claimant's administrative records establish that she was paid regular unemployment insurance benefits from June 1, 2020 through August 29, 2020 in the total amount of \$3,006.00. She received benefits of \$181.00 for the week-ending June 13, 2020; \$270.00 for the week-ending June 27, 2020; \$435.00 for the week-ending July 4, 2020; \$440.00 for the week-ending July 11, 2020; \$170.00 for the week-ending July 25, 2020; \$440.00 for the week-ending August 1, 2020; \$350.00 for the week-ending August 8, 2020; \$430.00 for the week-ending August 15, 2020; \$118.00 for the week-ending August 22, 2020; and \$172.00 for the week-ending August 29, 2020.

Claimant also received FPUC benefits for the weeks in which she received regular State of Iowa funded unemployment insurance benefits, including five weeks from June 7, 2020 through July 25, 2020 in the total amount of \$3,000.00 (\$600.00 per week). Claimant also received LWA benefits for the five weeks from July 26, 2020 through August 29, 2020 in the total amount of \$1,500.00 (\$300 per week).

On September 25, 2020, claimant was found to be eligible for Federal Pandemic Unemployment Assistance (PUA) benefits effective September 13, 2020 and continuing. No PUA benefits were allowed for the weeks between March 22, 2020 and September 12, 2020.

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.

(emphasis added).

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...

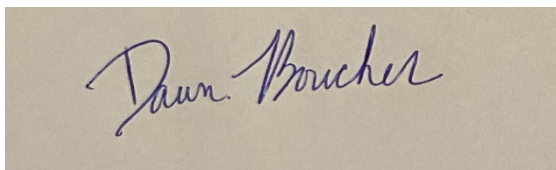
In this case, the claimant received FPUC benefits but was not eligible for those benefits effective June 1, 2020. This was because of the ALJ decision in Appeal No. 21A-UI-18852-DB-T that found the claimant was not able to and available for work effective June 1, 2020. As such, the claimant has been overpaid FPUC benefits in the amount of \$3,000.00 for the weeks between June 1, 2020 and July 25, 2020.

Note to claimant: Per Section 2104(f)(2) of the CARES Act, you may request a waiver of the overpayment balance. The request must be in writing. For additional information requesting a waiver, please call 888-848-7442 or visit:

<https://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment-and-recovery>.

DECISION:

The August 21, 2021 (reference 06) unemployment insurance decision is modified in favor of the appellant. The claimant was overpaid FPUC benefits in the amount of \$3,000.00 for the weeks between June 1, 2020 and July 25, 2020.

A rectangular box containing a handwritten signature in blue ink that reads "Dawn Boucher".

Dawn Boucher
Administrative Law Judge

October 29, 2021
Decision Dated and Mailed

db/scn