

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JESSICA L MICKEY
Claimant

APPEAL 22A-UI-01584-AR-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

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

PL 116-136, Sec. 2104 – Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

On December 20, 2021, Jessica L. Mickey (claimant/appellant) appealed the decision dated December 10, 2021 (reference 02) that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation (FPUC) in the amount of \$600.00 for the one-week period ending July 4, 2020, due to a duplicate payment being issued in error.

A telephone hearing was held on February 9, 2022, pursuant to due notice. The hearing was held together with appeal 22A-UI-01583-AR-T. Claimant participated personally. The administrative law judge took official notice of the administrative record.

ISSUE:

Was the claimant overpaid FPUC benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was granted FPUC benefits as a supplement to her eligibility for PUA benefits.

On July 8, 2020, Iowa Workforce Development (IWD) issued claimant a payment of FPUC benefits in the gross amount of \$600.00 for the one-week period ending July 4, 2020. On July 14, 2020, IWD issued claimant a payment of FPUC benefits in the gross amount of \$1,200.00 for the two-week period ending July 11, 2020.

Through no fault of their own, claimant has received FPUC benefits in the gross amount of \$1,200.00 for the one-week period ending July 4, 2020. Claimant received duplicate payments for that week, inadvertently. They were only entitled to receive \$600.00 for the one-week period ending July 4, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the administrative law judge concludes the claimant has been overpaid FPUC benefits.

Public Law 116-136, 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 \$600.00 (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...

Claimant did not seek out double payments for the week ending July 4, 2020, and it appears this overpayment occurred through no fault of their own. Regardless of fault, however, claimant has received FPUC benefits to which they were not entitled. Therefore, the administrative law judge concludes that claimant has been overpaid FPUC benefits in the amount of \$600.00 for the one-week period ending July 4, 2020. Those benefits are subject to recovery in accordance with Iowa law, unless the overpayment balance is waived. Information on how to apply for a waiver is included below.

DECISION:

The December 10, 2021 (reference 02) unemployment insurance decision is affirmed. Claimant has been overpaid FPUC benefits in the amount of \$600.00.



Alexis D. Rowe
Administrative Law Judge

March 1, 2022
Decision Dated and Mailed

ar/mh

NOTE TO CLAIMANT:

This decision determines claimant is overpaid FPUC benefits, and the administrative law judge lacks authority to waive the overpayment. If claimant disagrees with this decision claimant may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.

Claimant may also apply for a waiver of the overpayment balance. The written request must include the following information:

1. Claimant name & address.
2. Decision number/date of decision.
3. Dollar amount of overpayment you want the agency to waive.
4. Relevant facts that you feel justify a waiver.

The request should be sent to:

Iowa Workforce Development
Overpayment waiver request
1000 East Grand Avenue
Des Moines, IA 50319

Instructions for requesting a waiver of this overpayment also can be found at:
<https://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment-and-recovery>.