

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JEFFREY E MILLER
Claimant

APPEAL 20A-UI-04910-JC-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 04/05/20
Claimant: Appellant (2)**

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
PL116-136, Sec. 2104 – Federal Pandemic Unemployment Compensation (FPUC)

STATEMENT OF THE CASE:

The claimant/appellant, Jeffrey E. Miller, filed an appeal from the May 26, 2020 (reference 03) Iowa Workforce Development (“IWD”) unemployment insurance decision that established an overpayment of \$38.00 in regular unemployment insurance benefits for the week ending April 11, 2020 because he did not report all wages earned with Martin Bros Dist Co. Inc.

After proper notice, a telephone hearing was held on June 25, 2020. The hearing was held as a joint hearing with Appeal 20A-UI-04909-JC-T. The claimant participated personally.

The administrative law judge took official notice of the administrative records. Claimant Exhibit A was admitted into evidence. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUES:

Is the claimant overpaid benefits?

Is the claimant eligible for Federal Pandemic Unemployment Compensation?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant separated from employment with Martin Brothers Distribution Company on February 1, 2020. The claimant did not receive wages from this employer for the week ending April 11, 2020.

The claimant received \$91.00 in regular unemployment insurance benefits for the week ending April 11, 2020. He also received \$600.00 in Federal Pandemic Unemployment Compensation for the week ending April 11, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant is not overpaid benefits.

Iowa Code § 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.

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...

The claimant did not earn wages with Martin Brothers Distribution Company for the week ending April 11, 2020. He separated from employment effective February 1, 2020. Therefore, he has not been overpaid benefits due to failing to report his wages earned with Martin Brothers Distribution Company for the week ending April 11, 2020. Because the claimant is allowed regular unemployment insurance benefits, he is also eligible for Federal Pandemic Unemployment Compensation (FPUC), provided he is otherwise eligible. (See Appeal 20A-UI-04909-JC-T.)

DECISION:

The unemployment insurance decision dated May 26, 2020, (reference 03) is reversed. The claimant has not been overpaid regular unemployment insurance benefits for the week ending April 11, 2020. The claimant is eligible for Federal Pandemic Unemployment Compensation for the week ending April 11, 2020, provided he is otherwise eligible.



Jennifer L. Beckman
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July 8, 2020
Decision Dated and Mailed

jlb/scn