

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

PATRICIA JAMES
Claimant

APPEAL 21A-UI-00782-ED-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 12/29/19
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the November 16, 2020 (reference 05) unemployment insurance decision that found claimant was overpaid FPUC benefits in the amount of \$1,200.00 for two weeks ending April 18 2020 due to a decision that disqualified claimant for discharge for misconduct. Proper notice of the hearing was provided to the parties. A telephone hearing was held on February 13, 2021. The claimant, Patricia James, participated personally. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records.

ISSUE:

Is the claimant overpaid FPUC benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant had filed an original claim for regular unemployment insurance benefits funded by the State of Iowa with an effective date of December 29, 2019. Claimant has received regular unemployment insurance benefits funded by the State of Iowa in the amount of \$7,088.00. Claimant also received FPUC benefits of \$1,200.00 for the two weeks ending April 18, pursuant to PL 116-136 Section 2104.

The overpayment issue in this case was created by a disqualification decision dated February 10, 2020 (reference 01). Claimant appealed the April 23, 2020 (reference 01) decision and it has been affirmed. See Appeal No. 20R-UI-02347-AW-T.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes as follows:

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.

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").

....

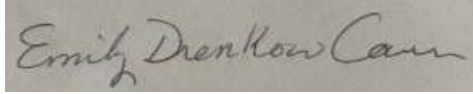
(f) Fraud and Overpayments

(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...

Claimant has been disqualified from receipt of benefits, so she was not entitled to the additional FPUC benefit payments she received. The disqualification decision that created the overpayment decision has been affirmed. As such, the claimant is also overpaid the FPUC benefits that he received in conjunction with her eligibility for regular unemployment insurance benefits funded by the State of Iowa.

DECISION:

The November 16, 2020 (reference 05) unemployment insurance decision is affirmed. The claimant has been overpaid FPUC benefits funded by the State of Iowa in the amount of \$1,200.00 for two weeks ending April 18, 2020 as the disqualification decision that created the overpayment has been affirmed.

A rectangular box containing a handwritten signature in cursive script that reads "Emily Drenkow Carr".

Emily Drenkow Carr
Administrative Law Judge

February 25, 2021
Decision Dated and Mailed

ed/scn