

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOHN M ALLEN
Claimant

APPEAL 22A-UI-08360-AW-T
ADMINISTRATIVE LAW JUDGE
DECISION

IOWA WORKFORCE
DEVELOPMENT DEPARTMENT

OC: 11/08/20
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

Claimant filed an appeal from the March 9, 2022 (reference 03) unemployment insurance decision that found claimant was overpaid Federal Pandemic Unemployment Compensation (FPUC) benefits. Claimant was properly notified of the hearing. A telephone hearing was held on May 20, 2022. Claimant participated. No exhibits were admitted. Official notice was taken of the administrative record.

ISSUE:

Whether claimant is overpaid FPUC benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

The decision that disqualified claimant from receiving Pandemic Emergency Unemployment Compensation (PEUC) benefits and, thus, FPUC benefits (and resulted in the overpayment) has been reversed (see appeal 22A-UI-08358-AW-T).

REASONING AND CONCLUSIONS OF LAW:

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

PL 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 (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, except that the State agency may waive such repayment if it determines that—

(A) the payment of such Federal Pandemic Unemployment Compensation was without fault on the part of any such individual; and

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

Because claimant was eligible for PEUC benefits, claimant was entitled to receive FPUC benefits. The administrative law judge concludes that claimant was not overpaid FPUC benefits.

DECISION:

The March 9, 2022 (reference 03) unemployment insurance decision is reversed. Claimant was not overpaid FPUC benefits.



Adrienne C. Williamson
Administrative Law Judge
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May 25, 2022
Decision Dated and Mailed

acw/ACW