

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

HANNAH J ROZELL
Claimant

HOSMER TOYOTA
Employer

**APPEAL 22A-UI-06665-B2-T
ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 03/22/20
Claimant: Appellant (2)**

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
Iowa Code § 96.5(5) – Wages
Iowa Code § 96.19(38)a & b – Total and Partial Unemployment
Fed Law PL 116-136, Sec. 2104 – Overpayment of FPUC

STATEMENT OF THE CASE:

The claimant filed an appeal from the March 10, 2022, (reference 03) unemployment insurance decision that concluded claimant was overpaid \$1,200.00 in FPUC benefits. After proper notice, a telephone hearing was conducted on April 29, 2022. The hearing was held together with Appeals 22A-UI-06663-B2-T. The claimant participated. Official notice of the administrative records was taken.

ISSUES:

Is claimant overpaid FPUC unemployment insurance benefits?
Is the claimant totally, partially or temporarily unemployed?
Did the claimant correctly report wages earned?
Is the claimant eligible for benefits based on the wages earned?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant established a claim for unemployment insurance benefits with an effective date of March 22, 2020. Claimant's weekly benefit amount (WBA) was \$147.00. For those weeks claimant received claimant received regular state benefits, PUA benefits, or PEUC benefits, claimant was also entitled to receive supplemental benefits in the amount of \$600.00 / week.

Claimant was found to be eligible for some amount of regular unemployment benefits in 22A-UI-06663-B2-T. Although the amount is yet to be determined in a remanded case to benefits, claimant did not earn more than her weekly benefits amount plus \$15.00 for either of the two weeks in question – the week ending July 18, 2020 or July 25, 2020.

REASONING AND CONCLUSIONS OF LAW:

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

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 except that the State agency may waive such repayment if it determines that

(A) the payment of such FPUC was without fault on the part of any such individual; and

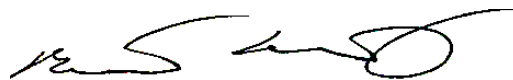
(B) such repayment would be contrary to equity and good conscience.

Claimant was found eligible to receive regular unemployment benefits for the weeks ending July 18, 2020 and July 25, 2020. During the same period, claimant additionally received \$1,200.00 in FPUC benefits.

Based upon the wages earned, claimant was eligible for FPUC benefits because her earnings allowed her regular state benefits in 22A-UI-06663-B2-T and FPUC benefits are given as a supplement to those benefits. As a result, the claimant was not overpaid FPUC benefits.

DECISION:

The March 10, 2022 (reference 03) is reversed. The claimant was not overpaid \$1,200.00 in FPUC benefits.



Blair A. Bennett
Administrative Law Judge

May 12, 2022
Decision Dated and Mailed

bab/scn

NOTE TO CLAIMANT:

- This decision determines you have been overpaid FPUC benefits. If you disagree with this decision, you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.
- You may also request a waiver of this overpayment. The written request must include the following information:
 1. Claimant name & address.
 2. Decision number/date of decision.
 3. Dollar amount of overpayment requested for waiver.
 4. Relevant facts that you feel would justify a waiver.
- The request should be sent to:

Iowa Workforce Development
Overpayment waiver request
1000 East Grand Avenue
Des Moines, IA 50319
- This Information can also be found on the Iowa Workforce Development website at: <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment-and-recovery>.
- If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.