IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU

ROBERT D OBRIEN Claimant **IOWA WORKFORCE DEVELOPMENT DEPARTMENT**	**APPEAL 22A-UI-06124-ED-T** **ADMINISTRATIVE LAW JUDGE DECISION** **OC: 08/25/19** **Claimant: Appellant (1)**

PL116-136, Sec. 2104(f)(2) – Overpayment of Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

On February 25, 2022, claimant, Robert Obrien, appealed a representative's decision dated February 25, 2022 (reference 04), that concluded the claimant was overpaid Federal Pandemic Unemployment Compensation ("FPUC") benefits as a result of a disqualification decision. After a hearing notice was mailed to the claimant's last-known address of record, a telephone hearing was held on April 20, 2022. Claimant, Robert Obrien, participated personally. The administrative law judge took official notice of the administrative record.

ISSUE:

The issue is whether the claimant is overpaid FPUC benefits.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed for and has received FPUC benefits in the gross amount of $8,400.00 for the 14-week period ending July 11, 2020. On November 9, 2020, Iowa Workforce Development (IWD) issued a decision (reference 01) that denied claimant UI benefits. That decision has been affirmed. *See* 22A-UI-06117-ED-T.

REASONING AND CONCLUSIONS OF LAW:

For the following reasons the administrative law judge concludes the claimant was overpaid FPUC benefits for the period in question.

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…

Section 203 of the Continued Assistance for Unemployed Workers Act of 2020 provides in pertinent part:

(a) IN GENERAL. – Section 2104(e) of the CARES Act (15 U.S.C. 9023(e)) is amended to read as follows: . . .

"(e) APPLICABILITY. – An agreement entered into under this section shall apply –

(1) to weeks of unemployment beginning after the date on which such agreement is entered into and ending on or before July 31, 2020; and

(2) to weeks of unemployment beginning after December 26, 2020 (or, if later, the date on which such agreement is entered into), and ending on or before March 14, 2021.".

(b) AMOUNT.-

(1) IN GENERAL. – Section 2104(b) of the CARES Act (15 U.S.C. 9023(b)) is amended –

(A) in paragraph (1)(B), by striking "of $600" and inserting "equal to the amount specified in paragraph (3)"; and

(B) by adding at the end of the following new paragraph:

"(3) AMOUNT OF FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION.-

"(A) IN GENERAL. – The amount specified in this paragraph is the following amount:

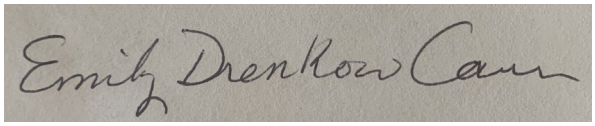
"(i) For weeks of unemployment beginning after the date on which an agreement is entered into under this section and ending on or before July 31, 2020, $600.

"(ii) For weeks of unemployment beginning after December 26, 2020 (or, if later, the date on which such agreement is entered into), and ending on or before March 14, 2021, $300.".

The decision that denied claimant regular unemployment insurance benefits remains in effect. Because claimant is not eligible for UI benefits, claimant is also not eligible for FPUC benefits. Therefore, claimant has received FPUC benefits to which they were not entitled. The administrative law judge concludes that claimant has been overpaid FPUC benefits in the amount outlined in the findings of fact above. Claimant is obligated to repay the FPUC benefits unless repayment of this obligation is waived. Instructions on how to apply for a waiver are found below.

DECISION:

The decision of the representative dated February 25, 2022, (reference 04) is affirmed. Claimant has been overpaid FPUC benefits in the amount of $8,400.00, which must be repaid.



Emily Drenkow Carr
Administrative Law Judge

April 29, 2022
Decision Dated and Mailed

ed/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.