

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

LOUIS R KLINGENBERG
Claimant

APPEAL NO. 20A-UI-14509-JTT

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 03/15/20
Claimant: Appellant (1)

Public Law 116-136, Section 2104 – Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the November 2, 2020 (reference 04) decision that held the claimant was overpaid \$2,400.00 in Federal Pandemic Unemployment Compensation (FPUC) benefits for four weeks between March 29, 2020 and April 25, 2020, based on the reference 02 decision concerning his voluntary quit from Material Management Group, Inc. After due notice was issued, a hearing was held on January 12, 2021. Claimant participated. The hearing in this matter was consolidated with the hearing in Appeal Numbers 20A-UI-14507-JTT and 20A-UI-14508-JTT. Exhibit A, the online appeal, and Exhibit B, the May 14, 2020 notice/decision regarding FPUC benefits, were received into evidence. The administrative law judge took official notice of the following Agency administrative records: DBRO, KPYX, KCCO, NMRO, the March 27, 2020 (reference 01) decision, the April 30, 2020 (reference 02) decision, the October 27, 2020 (reference 03) decision, and the November 2, 2020 (reference 04) decision.

ISSUE:

Whether the claimant was overpaid \$2,400.00 in Federal Pandemic Unemployment Compensation (FPUC) benefits for four weeks between March 29, 2020 and April 25, 2020, based on the reference 02 decision concerning his voluntary quit from Material Management Group, Inc.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant established an original claim for benefits that was effective March 15, 2020. Iowa Workforce Development set the claimant's weekly benefits amount for regular benefits at \$340.00. The claimant made weekly claims that included weekly claims for each of the five weeks between March 22, 2020 and April 25, 2020. IWD paid the claimant \$340.00 in regular benefits for each of those five weeks, for a total payment of \$1,700.00. IWD also paid the claimant \$600.00 in Federal Pandemic Unemployment Compensation (FPUC) benefits for each of the four weeks between March 29, 2020 and April 25, 2020, for a total of \$2,400.00 in FPUC benefits.

On April 30, 2020, and IWD Benefits Bureau deputy entered a reference 02 that disqualified the claimant for unemployment insurance benefits, based on the deputy's conclusion that the claimant voluntarily quit employment with Material Management Group, Inc. on March 25, 2020 without good cause attributable to the employer. The reference 02 disqualification decision prompted the overpayment decision from which the claimant appeals in the present matter. The reference 02 decision has been affirmed in Appeal Number 20A-UI-14507-JTT.

REASONING AND CONCLUSIONS OF LAW:

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...

Because the reference 02 decision disqualified the claimant for benefits, and because that decision has been affirmed on appeal, the \$2,400.00 in FPUC benefits that the claimant received for four weeks between March 29, 2020 and April 25, 2020 is an overpayment of benefits. The claimant must repay the overpaid benefits.

DECISION:

The November 2, 2020 (reference 04) decision is affirmed. The claimant is overpaid \$2,400.00 in FPUC benefits for four weeks between March 29, 2020 and April 25, 2020. The claimant must repay the overpaid benefits.



James E. Timberland
Administrative Law Judge

January 29, 2021
Decision Dated and Mailed

jet/ol

NOTE TO CLAIMANT:

- This decision determines you are overpaid regular unemployment insurance benefits under state law. 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.
- If you do not qualify for regular unemployment insurance benefits under state law and are currently unemployed for reasons related to COVID-19, you may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** For more information on how to apply for PUA, go to <https://www.iowaworkforcedevelopment.gov/pua-information>. **If you do not apply for and are not approved for PUA, you will be required to repay the benefits you have received.**