

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ALBA MURIQI
Claimant

APPEAL 22A-UI-10288-AW-T
ADMINISTRATIVE LAW JUDGE
DECISION

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04/19/20
Claimant: Appellant (1)

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment
PL 110-252 § 4001 – Federal Emergency Unemployment Compensation Extension Act
Iowa Code § 96.29 – Extended Benefits
20 CFR 615 – Extended Benefits
PL 116-136, Sec. 2107 – Pandemic Emergency Unemployment Compensation
PL 116-136, Sec. 2104 – Federal Pandemic Unemployment Compensation

STATEMENT OF THE CASE:

Claimant filed an appeal from the April 15, 2022 (reference 03) unemployment insurance decision that found claimant was overpaid regular unemployment insurance (UI), overpaid Emergency Unemployment Compensation (EUC) benefits (also known as Extended Benefits (EB)), Pandemic Emergency Unemployment Compensation (PEUC), Federal Pandemic Unemployment Compensation (FPUC) and Lost Wage Assistance (LWA) benefits. Claimant was properly notified of the hearing. A telephone hearing was held on June 9, 2022. Claimant participated. Claimant's Exhibits A – C were admitted. Official notice was taken of the administrative record.

ISSUES:

Whether claimant was overpaid UI.
Whether claimant was overpaid EUC/EB.
Whether claimant was overpaid PEUC.
Whether claimant was overpaid FPUC.
Whether claimant was overpaid LWA.

FINDINGS OF FACT:

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

Claimant filed for and has received UI benefits in the gross amount of \$2,826.67 for the 12-week period between April 19, 2020 and July 11, 2020.

Claimant filed for and has received EUC/EB in the gross amount of \$729.00 for the three-week period between October 11, 2020 and October 31, 2020.

Claimant has received PEUC in the gross amount of \$4,617.00 for 19 weeks between July 12, 2020 and March 27, 2021.

Claimant filed for and has received FPUC benefits in the gross amount of \$10,200.00 for 20 weeks between April 19, 2020 and March 27, 2021.

Claimant received LWA benefits in the gross amount of \$1,800.00 for the six-week period between July 26, 2020 and September 5, 2020.

On April 15, 2021, Iowa Workforce Development (IWD) issued a decision (reference 02) that denied claimant UI benefits. That decision has been affirmed (see appeal number 22A-UI-10287-AW-T).

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code section 96.3(7) states:

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.

The Emergency Unemployment Compensation (EUC) program was created by Public Law 110-252, Title VI. This temporary unemployment insurance program provides up to 13 additional weeks of unemployment benefits to certain workers who have exhausted their rights to regular unemployment compensation benefits.

Section 4001(d)(2)(A) of the EUC Act states that persons shall not be eligible for EUC unless they have "20 weeks of full-time insured employment or the equivalent in insured wages" in their base period as determined by the state law implementing the Extended Unemployment Compensation Act of 1970. The method Iowa chose is outlined in Iowa Code § 96.29(1).

Iowa Code section 96.29(1)a-c provides:

Extended benefits.

Except when the result would be inconsistent with the other provisions of this chapter, as provided in rules of the department, the provisions of the law which apply to claims for or the payment of regular benefits shall apply to claims for, and the payment of, extended benefits.

1. Eligibility requirements for extended benefits. An individual is eligible to receive extended benefits with respect to a week of unemployment in the individual's eligibility period only if the department finds that all of the following conditions are met:

a. The individual is an "exhaustee" as defined in this chapter.

b. The individual has satisfied the requirements of this chapter for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipt of benefits.

c. The individual has been paid wages for insured work during the individual's base period in an amount at least one and one-half times the wages paid to the individual during that quarter of the individual's base period in which the individual's wages were highest.

PL 116-136 Sec 2107 provides in pertinent part:

PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) FEDERAL-STATE AGREEMENTS. –

...

(2) PROVISIONS OF AGREEMENT. —Any agreement under paragraph (1) shall provide that the State agency of the State will make payments of pandemic emergency unemployment compensation to individuals who—

(A) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before July 1, 2019);

(B) have no rights to regular compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law;

(C) are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

(D) are able to work, available to work, and actively seeking work.

...

(e) FRAUD AND OVERPAYMENTS.—

...

(2) REPAYMENT.—In the case of individuals who have received amounts of pandemic emergency unemployment compensation under this section to which they were not entitled, the State shall require such individuals to repay the amounts of such pandemic emergency unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(A) the payment of such pandemic emergency unemployment compensation was without fault on the part of any such individual; and

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

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.

The Continued Assistance for Unemployed Workers Act of 2020 modified the FPUC weekly benefit to \$300.00. PL 116-260; see UIPL 15-20, Change 3, page 1.

The decision that denied claimant UI benefits remains in effect. Because claimant is not eligible for UI, he is also not eligible for EUC/EB, PEUC, FPUC or LWA. Therefore, claimant has received UI, EUC/EB, PEUC, FPUC and LWA benefits to which claimant was not entitled. The administrative law judge concludes that claimant has been overpaid UI, EUC/EB, PEUC, FPUC and LWA benefits in the amount outlined in the findings of fact above. Those benefits must be recovered in accordance with Iowa law.

DECISION:

The April 15, 2022 (reference 03) unemployment insurance decision is affirmed.

Claimant has been overpaid UI benefits in the amount of \$2,826.67, which must be repaid.

Claimant has been overpaid EUC/EB in the amount of \$729.00, which must be repaid.

Claimant has been overpaid PEUC benefits in the amount of \$4,617.00, which must be repaid.

Claimant has been overpaid FPUC benefits in the amount of \$10,200.00, which must be repaid.

Claimant has been overpaid LWA benefits in the amount of \$1,800.00, which must be repaid.



Adrienne C. Williamson
Administrative Law Judge
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Fax (515)478-3528

June 14, 2022
Decision Dated and Mailed

acw/ACW

NOTE TO CLAIMANT: This decision determines you have been overpaid 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. Additionally, instructions for requesting a waiver of this overpayment can be found 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.