



STATE OF NEW YORK

**UNEMPLOYMENT INSURANCE APPEAL BOARD**

PO Box 15126

Albany NY 12212-5126

**DECISION OF THE BOARD**

---

Mailed and Filed: AUGUST 05, 2022

IN THE MATTER OF:

Appeal Board No. 622942

PRESENT: MARILYN P. O'MARA, MEMBER

The Department of Labor issued the initial determination charging the claimant with an overpayment of \$1,200 in Federal Pandemic Unemployment Compensation (FPUC) repayable pursuant to § 2104 (f) (2) of the Coronavirus Aid, Relief,

and Economic Security (CARES) Act of 2020. The claimant requested a hearing.

The Administrative Law Judge held a telephone conference hearing at which all parties were accorded a full opportunity to be heard and at which testimony was taken. There was an appearance by the claimant. By decision filed April 5, 2022 (), the Administrative Law Judge modified the initial determination to be \$600, and, as so modified, sustained the initial determination.

The Commissioner of Labor appealed the Judge's decision to the Appeal Board, insofar as it modified the initial determination to be \$600. The Board considered the arguments contained in the written statement submitted on behalf of the Commissioner of Labor.

Based on the record and testimony in this case, the Board makes the following

**FINDINGS OF FACT:** On April 23, 2020, the claimant filed a claim for Pandemic Unemployment Assistance (PUA) and her gross benefit rate was established at \$504.

On April 20, 2020, the New York State Department of Labor released, and the claimant received, a gross FPUC payment of \$600 for the week ending April 19,

2020.

On May 4, 2020, the New York State Department of Labor released, and the claimant received, a gross FPUC payment of \$600 the week ending May 3, 2020.

On June 5, 2020, the New York State Department of Labor released, and the claimant received, a gross FPUC payment of \$600 (a net payment of \$525) for week ending April 19, 2020, and a gross FPUC payment of \$600 (a net payment of \$525) for week ending May 3, 2020.

OPINION: The credible evidence establishes the claimant received duplicate FPUC payments of \$600 for both

the week ending April 19, 2020, and for the week ending May 3, 2020. As she was entitled to only one FPUC payment for each of those two weeks, the claimant was overpaid \$1,200 which is recoverable pursuant to the law.

DECISION: The decision of the Administrative Law Judge, insofar as appealed from, is modified as follows and, as so modified, is affirmed.

The initial determination, charging the claimant with an overpayment of \$1,200 in FPUC repayable pursuant to § 2104 (f) (2) of the CARES Act of 2020, is sustained.

The claimant is denied benefits with respect to the issue decided herein.

MARILYN P. O'MARA, MEMBER