

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SHAWNA J MILLS
Claimant

APPEAL 22A-UI-07171-DZ-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

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

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment

STATEMENT OF THE CASE:

Shawna J Mills, the claimant/appellant, filed an appeal from the March 22, 2022 (reference 06) unemployment insurance (UI) decision that concluded she was overpaid Lost Wage Assistance Payments (LWAP) benefits in the amount of \$1,800.00. The parties were properly notified about the hearing. A telephone hearing was held on May 19, 2022. Ms. Mills participated personally. The department did not participate in the hearing. The administrative law judge took official notice of the administrative record.

ISSUES:

Has Ms. Mills been overpaid LWAP benefits?

FINDINGS OF FACT:

Having reviewed the evidence in the record, the administrative law judge finds: Ms. Mills filed an initial claim for REGULAR (state) UI benefits effective March 15, 2020. Ms. Mills filed weekly continued claims and IWD paid her REGULAR (state) UI benefits on her claim. IWD also paid Ms. Mills LWAP benefits in the gross amount of \$1,800.00 for 6 weeks between July 26, 2020 and September 5, 2020. Ms. Mills' claim year ended on March 14, 2021, and she filed a new claim effective March 14, 2021.

The Lost Wage Assistance Program was created by presidential Executive Order 8, signed on August 8, 2020. To receive LWAP benefits in any given week, a claimant must be eligible to receive at least \$100.00 in unemployment benefits per week, and the individual must self-certify that he or she is unemployed or partially unemployed as a result of the COVID-19 pandemic.

Almost one year and two months after she filed her initial claim effective March 15, 2020, almost two months after she filed her new claim effective March 14, 2021, and after she had already received REGULAR (state) UI benefits, IWD issued a May 13, 2021, (reference 02) UI decision finding Ms. Mills not eligible for REGULAR (state) UI benefits because of an April 30, 2020 quit from employment with employer Bella Flora LLC. Ms. Mills appealed the UI decision to the Iowa Workforce Development Appeals Bureau. The administrative law judge's decision in Appeal 22A-UI-07158-DZ-T affirmed the reference 02 UI decision.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code §96.3(7) provides, in pertinent part:

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.

b. (1) (a) If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

Since Ms. Mills is not eligible for REGULAR (state) UI benefits, she is also not eligible for LWAP benefits. Ms. Mills has been overpaid LWAP benefits in the gross amount of \$1,800.00 for 6 weeks between July 26, 2020 and September 5, 2020, which should be repaid.

DECISION:

The March 22, 2022, (reference 06) decision is AFFIRMED. Ms. Mills has been overpaid LWAP benefits in the gross amount of \$1,800.00, which must be repaid.



Daniel Zeno
Administrative Law Judge
Iowa Workforce Development
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax 515-478-3528

June 30, 2022
Decision Dated and Mailed

dz/mh

NOTE TO MS. MILLS:

- This decision determines you have been overpaid LWAP benefits, and the administrative law judge does not have authority to waive the overpayment.
- If you disagree with this decision, you may file an appeal to the Employment Appeal Board (EAB) by following the instructions on the first page of this decision.
- **You may also request a waiver of this LWAP overpayment by filing an appeal to the EAB.**