

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

HALENA FITZGERALD
Claimant

APPEAL NO: 21A-UI-23741-SN-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04/05/20
Claimant: Appellant (1)

Iowa Code § 96.3(7) – Lost Wage Assistance benefits

STATEMENT OF THE CASE:

The claimant filed an appeal from the October 14, 2021, (reference 06) unemployment insurance decision that concluded she was overpaid \$1,800.00 in Lost Wage Assistance (LWA) benefits. After proper notice, a telephone hearing was conducted on December 16, 2021. The hearing was held jointly with appeal 21A-UI-23736-SN-T, 21A-UI-23739-SN-T, 21A-UI-23740-SN-T and, 21A-UI-23738-SN-T. The claimant participated. Official notice of the administrative records was taken.

ISSUES:

Has the claimant been overpaid Lost Wage Assistance benefits?

FINDINGS OF FACT:

The claimant filed a new claim for unemployment insurance benefits with an effective date of April 5, 2020.

The claimant filed for and received a total of \$1,800.00 in LWA benefits for the weeks between July 25, 2020 and September 5, 2020.

The unemployment insurance decision that disqualified the claimant from receiving unemployment insurance benefits has been affirmed in a decision of the administrative law judge in appeal 21A-UI-23736-SN-T.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was overpaid LWA benefits.

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

7. Recovery of overpayment of benefits.

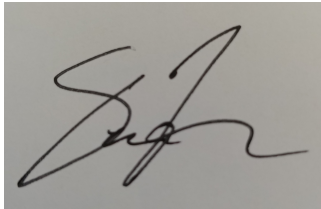
a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by 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.

Since the decision disqualifying the claimant has been affirmed, the claimant was overpaid \$1,800.00 in unemployment insurance benefits.

The claimant may have to repay the benefits received thus far, unless the claimant applies and is approved for PUA, as directed in the paragraph below.

DECISION:

The unemployment insurance decision dated October 14, 2021, (reference 06), is affirmed. The claimant was overpaid \$1,800.00 in LWA benefits.

A handwritten signature in black ink, appearing to read 'Sean M. Nelson', is written over a light gray rectangular background.

Sean M. Nelson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 725-9067

January 19, 2022
Decision Dated and Mailed

smn/kmj