

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

ARIEL R BALLARD
Claimant

APPEAL 21A-UI-17237-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 06/07/20
Claimant: Appellant (1)**

Iowa Code § 96.3(7) – Overpayment of Benefits – Lost Wages Assistance

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the August 3, 2021 (reference 08) unemployment insurance decision that found claimant was overpaid Lost Wages Assistance (LWA) benefits in the amount of \$1,800.00 for six weeks between July 26, 2020 and September 5, 2020. The claimant was properly notified of the hearing. A telephone hearing was held on October 18, 2021. The claimant participated personally. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records. The hearing was consolidated with Appeal No. 21A-UI-17228-DB-T; 21A-UI-17229-DB-T; 21A-UI-17230-DB-T; 21A-UI-17231-DB-T; 21A-UI-17233-DB-T and 21A-UI-17235-DB-T.

ISSUE:

Is the claimant overpaid LWA benefits from July 26, 2020 to September 5, 2020?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed an original claim for regular unemployment insurance benefits funded by the State of Iowa with an effective date of June 7, 2020. She received LWA benefits in the amount of \$1,800.00 for six weeks from July 26, 2020 through September 5, 2020 (\$300.00 per week).

Iowa Workforce Development issued a decision dated September 16, 2020 (reference 03) which found that the claimant was not eligible for regular unemployment insurance benefits funded by the State of Iowa due to her voluntarily quitting work. That decision was appealed and a hearing was held on October 18, 2021. Administrative Law Judge (ALJ) Dawn Boucher issued a decision that affirmed the underlying decision that the claimant was not eligible for benefits. See Appeal No. 21A-UI-17229-DB-T.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code § 96.3(7)a provides:

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.

(emphasis added).

On August 8, 2020, President Trump issued a memorandum to provide additional financial assistance to those individuals receiving unemployment benefits that met the eligibility requirements of the program through a grant from FEMA. The Lost Wages Assistance (LWA) program required claimants to be eligible for a weekly benefit amount of at least \$100.00 and the LWA payment was made to claimants in combination with a payment of at least \$1.00 in benefits stemming from either State of Iowa funded unemployment insurance benefits, Federal Pandemic Emergency Unemployment Compensation (PEUC) benefits program, Pandemic Unemployment Assistance (PUA) program, Extended Benefits program, Voluntary Shared Work program, Short Term Compensation program, or Trade Act benefits program. The weekly benefit amount of the LWA program was \$300.00 and it ran from July 26, 2020 through September 5, 2020.

In this case, the claimant received LWA benefits from July 26, 2020 through September 5, 2020 because at that time there was no disqualifying decision that found she was not eligible for the regular unemployment insurance benefits funded by the State of Iowa. The LWA benefits were paid in conjunction with and based upon her eligibility for regular unemployment insurance benefits funded by the State of Iowa. As soon as the claimant was disqualified from receipt of regular unemployment insurance benefits pursuant to the decision issued on September 16, 2020 (reference 03), which was affirmed in Appeal No. 21A-UI-17229-DB-T, she was no longer eligible for LWA benefits.

Because the claimant has not been found eligible for PUA benefits or any other qualifying program in which FPUC benefits would be allowed, the claimant has been overpaid LWA benefits in the amount of \$1,800.00 for six weeks between July 26, 2020 and September 5, 2020.

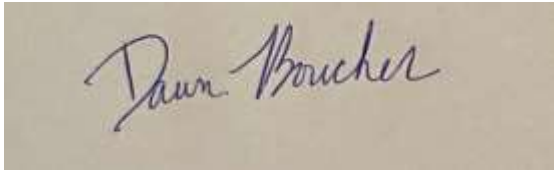
The claimant may request a waiver of the overpayment of LWA benefits. The request for waiver should be sent to:

Iowa Workforce Development
Overpayment Waiver Request
1000 East Grand Avenue
Des Moines, Iowa 50319

The request for waiver of overpayment should include the claimant's name, address, decision number and date of decision, dollar amount of overpayment requested for waiver, and all relevant facts the claimant feels would justify a waiver of the overpayment balance. The claimant may also visit <https://www.iowaworkforcedevelopment.gov/application-overpayment-waiver>.

DECISION:

The August 3, 2021 (reference 08) unemployment insurance decision is affirmed. The claimant was overpaid LWA benefits in the amount of \$1,800.00 for six weeks between July 26, 2020 and September 5, 2020.

A rectangular box containing a handwritten signature in blue ink that reads "Dawn Boucher".

Dawn Boucher
Administrative Law Judge

October 27, 2021
Decision Dated and Mailed

db/ol