

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

SARAH A HARVEY
Claimant

APPEAL NO. 22A-UI-00738-AD-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04/12/20
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

On December 10, 2021, Sarah Harvey (claimant/appellant) appealed the decision dated November 30, 2021 (reference 07) that concluded the claimant was overpaid Lost Wage Assistance Payments (LWAP) for the six-week period ending September 5, 2020 as a result of a decision denying benefits.

A telephone hearing was held on January 31, 2022, pursuant to due notice. Claimant participated personally. The administrative law judge took official notice of the administrative record.

ISSUE:

Was the claimant overpaid Lost Wage Assistance Payments (LWAP)?

FINDINGS OF FACT:

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

The administrative record shows claimant received LWAP in the amount of \$1,800.00 between the benefit weeks ending August 1, 2020 and September 5, 2020. Claimant was subsequently determined to be ineligible for benefits effective May 31, 2020 in a decision dated February 17, 2021. That decision has now been MODIFIED to find claimant ineligible for benefits effective April 12, 2020. See 22A-UI-00734-AD-T. Claimant was also ineligible for PEUC effective July 26, 2020.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the decision dated November 30, 2021 (reference 07) that concluded the claimant was overpaid Lost Wage Assistance Payments (LWAP) for the six-week period ending September 5, 2020 as a result of a decision denying benefits is AFFIRMED.

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.

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.

The Lost Wage Assistance Program was created by Executive Order 8, signed by President Trump on August 8, 2020. To receive LWAP 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.

The administrative record shows claimant received LWAP in the amount of \$1,800.00 between the benefit weeks ending August 1, 2020 and September 5, 2020. Claimant was subsequently determined to be ineligible for benefits effective May 31, 2020 in a decision dated February 17, 2021. That decision has now been MODIFIED to find claimant ineligible for benefits effective April 12, 2020. See 22A-UI-00734-AD-T. Claimant was also ineligible for PEUC effective July 26, 2020.

Because claimant was ineligible for UI and PEUC during the above period she was also ineligible for LWAP during that period. She has therefore been overpaid LWAP in the amount of \$1,800.00.

DECISION:

The decision dated November 30, 2021 (reference 07) that concluded the claimant was overpaid Lost Wage Assistance Payments (LWAP) for the six-week period ending September 5, 2020 as a result of a decision denying benefits is AFFIRMED.



Andrew B. Duffelmeyer
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 478-3528

February 18, 2022
Decision Dated and Mailed

abd/abd

Note to Claimant:

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.

If this decision determines you have been overpaid federal pandemic-related benefits you may request a waiver of the overpayment. Instructions for requesting a waiver 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.

Individuals who do not qualify for regular unemployment insurance benefits and were unemployed between February 2, 2020, and June 12, 2021 for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** To apply for PUA go to <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-appeals> and click the link in the last paragraph under "WHAT TO EXPECT FROM THE HEARING." **The authorization number is the pin number you used for the hearing.**

If this decision becomes final and you are not eligible for PUA, you may have an overpayment of benefits.