

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**GEORGE SHAROIAN**  
Claimant

**APPEAL NO. 21A-UI-06765-JT-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

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

Iowa Code Section 96.3(7) – Overpayment of Lost Wages Assistance Payments

**STATEMENT OF THE CASE:**

The claimant filed a timely appeal from the February 22, 2021 (reference 08) decision that held he was overpaid \$600.00 in Lost Wages Assistance Payments (LWAP) for two weeks between August 23, 2020 and September 5, 2020, based on the reference 06 decision that denied PEUC benefits due to the claimant being monetarily eligible for regular benefits for the same period in Illinois. After due notice was issued, a hearing was held on April 17, 2020. Claimant participated. The hearing in this matter was consolidated with the hearing in Appeal Numbers 21A-UI-06763-JT-T and 21A-UI-06764-JT-T. Exhibit A, the appeal letter, was received into evidence at the time of the hearing. The administrative law judge took official notice of the following Agency administrative records: DBRO, WAGE-A, KPYX, IBIQ, the February 22, 2021 (reference 06, 07 and 08) decisions, the August 11, 2020 notice, the August 25, 2020 notice, and the February 17, 2021 notice. The administrative law judge took official notice of the State of Illinois Department of Employment Security Unemployment Insurance Benefits Handbook and of the IDES publication What Every Worker Should Know About Unemployment Insurance, both of which documents are available to the public at the IDES website: [www2.ides.illinois.gov](http://www2.ides.illinois.gov).

On April 19, 2021, the claimant submitted an email to which he attached exhibits marked 1 through 8. Those exhibits were received into the hearing record as marked. The email was received into the hearing record as Exhibit B.

**ISSUES:**

Whether the claimant is overpaid \$600.00 in Lost Wages Assistance Payments (LWAP) for two weeks between August 23, 2020 and September 5, 2020, based on the reference 06 decision that denied PEUC benefits due to the claimant being monetarily eligible for regular benefits for the same period in Illinois.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant received PEUC benefits in connection with his Iowa claim (o.c. 03/15/20) that included PEUC benefits for the weeks that ended August 29, 2020 and September 5, 2020. Based on his receipt of PEUC benefits for those weeks, the claimant received \$600.00 in Lost Wages

Assistance Payments (LWAP) for the two weeks between August 23, 2020 and September 5, 2020.

On February 22, 2021 Iowa Workforce Development issued the reference 06 decision that denied PEUC benefits for the period beginning August 20, 2020 due to an Agency conclusion that the claimant was monetarily eligible for regular benefits in Illinois during the same period. The reference 06 decision prompted the overpayment decision from which the claimant appeals in this matter. The reference 06 decision has been affirmed in Appeal Number 21A-UI-06763-JTT.

**REASONING AND CONCLUSIONS OF LAW:**

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.

The February 22, 2021 (reference 06) decision denied PEUC benefits for the period beginning August 23, 2020. The claimant's eligibility for LWAP benefits was contingent upon the claimant being eligible for PEUC benefits during the weeks in question. Because the reference 06 decision that denied PEUC benefits for the period beginning August 23, 2020 has been affirmed on appeal, the \$600.00 in LWAP benefits the claimant received for the two-week period of August 23, 2020 through September 5, 2020 is an overpayment of benefits that the claimant must repay.

**DECISION:**

The February 22, 2021 (reference 08) decision is affirmed. The claimant was overpaid \$600.00 in Lost Wages Assistance Payments (LWAP) for two weeks between August 23, 2020 and September 5, 2020, based on the reference 06 decision that denied PEUC benefits due to the claimant being monetarily eligible for regular benefits for the same period in Illinois. The claimant must repay the overpaid LWAP benefits.



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James E. Timberland  
Administrative Law Judge

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April 28, 2021  
Decision Dated and Mailed

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