

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DARIAN E OWENS
Claimant

APPEAL 21A-UI-25183-DH-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/22/20
Claimant: Appellant (1)

Iowa Code § 96.3(7) - Recovery of Benefit Overpayment - Lost Wages Assistance Program

STATEMENT OF THE CASE:

Claimant/appellant, Darian Owens, filed an appeal from the November 2, 2021, (reference 06) unemployment insurance decision that determined claimant was overpaid \$1,800.00 in LWAP benefits for the 6-week period ending 09/05/2020, as a result of a disqualification decision (reference 01). After proper notice, a telephone hearing was conducted on January 11, 2022. Claimant participated personally. The department did not participate. The following hearings were held together as part of a consolidated hearing: Appeals 21A-UI-25174-DH-T, 21A-UI-25177-DH-T, 21A-UI-25178-DH-T, 21A-UI-25181-DH-T, 21A-UI-25182-DH-T, and 21A-UI-25183-DH-T. Judicial notice was taken of the administrative records.

ISSUES:

Is the claimant overpaid Lost Wages Assistance Program (LWAP)?

FINDINGS OF FACT:

Having heard the testimony, reviewed the evidence and the record, the undersigned finds:

Claimant filed a new claim for unemployment insurance benefits with an effective date of 03/22/2020.

Claimant received federal unemployment insurance benefits through Lost Wages Assistance Program (LWAP) in the amount of \$1,800.00 for the six-week period ending 09/05/2020.

The unemployment insurance decision (reference 01) that disqualified the claimant from receiving regular unemployment insurance benefits, dated January 20, 2021, was received by claimant who appealed the decision. In appeal 21A-UI-25174-DH-T, the administrative law judge kept the underlying decision in effect due to the appeal not being timely.

REASONING AND CONCLUSIONS OF LAW:

The issue in this case is whether the claimant was overpaid LWAP benefits. For the reasons set forth below, it is determined that claimant was overpaid LWAP 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.

The decision that denied claimant UI benefits remains in effect. Because claimant is not eligible for UI, she is also not eligible for LWAP benefits. Therefore, claimant has received LWAP benefits to which she was not entitled. The administrative law judge concludes that claimant has been overpaid LWAP benefits in the amount of \$1,800.00. Those benefits must be recovered in accordance with Iowa law.

DECISION:

The unemployment insurance decision dated November 2, 2021, (reference 06), is **AFFIRMED**. The claimant was overpaid \$1,800.00 in LWAP benefits.



Darrin T. Hamilton
Administrative Law Judge

March 30, 2022
Decision Dated and Mailed

dh/mh

Note to Claimant:

Claimant provided an updated mailing address during the hearing. It is noted on the first page of this decision. Claimant is directed to contact IWD customer service at 1-866-239-0843 as soon as possible to update their contact information so that their information can be updated within our systems and not just on this one printed decision.

Additionally, instructions for requesting a waiver of this overpayment 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.