

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

WAYNE CAMP
Claimant

APPEAL 21R-UI-20138-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 03/08/20
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the March 26, 2021 (reference 09) unemployment insurance decision that found claimant was overpaid Lost Wages Assistance (LWA) benefits in the amount of \$900.00 for three weeks ending September 5, 2020. The Employment Appeal Board (EAB) remanded the matter for a new hearing date and time. The claimant was properly notified of the hearing. The claimant waived due notice of the issue of overpayment of Lost Wages Assistance benefits pursuant to Iowa Code § 96.3(7). A telephone hearing was held on November 2, 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. 21R-UI-20135-DB-T; 21R-UI-20136-DB-T; and 21R-UI-20137-DB-T.

ISSUE:

Is the claimant overpaid LWA benefits for three weeks ending 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 March 8, 2020. He was paid regular unemployment insurance benefits funded by the State of Iowa from March 8, 2020 through December 19, 2020 in the amount of \$2,017.83. He was paid Federal Pandemic Emergency Unemployment Compensation (PEUC) benefits of \$185.00 for the one-week ending December 26, 2020. He was paid \$900.00 in Lost Wages Assistance (LWA) program benefits for the three weeks ending September 5, 2020.

Iowa Workforce Development issued a decision dated December 31, 2020 (reference 04) which found that the claimant was not eligible for regular unemployment insurance benefits funded by the State of Iowa due to his voluntary quitting of work with @ Your Service LLC. That decision was appealed and a decision issued in Appeal No. 21R-UI-20135-DB-T affirmed the underlying decision that the claimant had voluntarily quit without good cause attributable to the employer.

Claimant filed an application for Federal Pandemic Unemployment Assistance (PUA) benefits and a decision finding that he was eligible for PUA benefits effective December 27, 2020 was issued.

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.

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 for three weeks ending September 5, 2020 because at that time there was no disqualifying decision that found he 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 his 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 December 31, 2020 (reference 04) which stated he voluntarily quit work with @ Your Service, LLC, he was no longer eligible for LWA benefits.

Because the claimant has not been found eligible for PUA benefits during the weeks in which LWA benefits were initially paid, the claimant has been overpaid LWA benefits in the amount of \$900.00 for three weeks ending September 5, 2020.

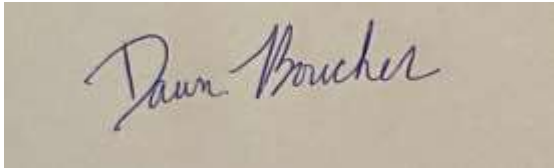
The claimant may request a waiver of the overpayment of LWA benefits. The request for waiver should be sent to:

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 March 26, 2021 (reference 09) unemployment insurance decision is affirmed. The claimant was overpaid LWA benefits in the amount of \$900.00 for three weeks ending September 5, 2020.

A rectangular box containing a handwritten signature in cursive script that reads "Dawn Boucher".

Dawn Boucher
Administrative Law Judge

November 23, 2021
Decision Dated and Mailed

db/ol