

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

DANIEL L LYONS
Claimant

APPEAL 21A-UI-11930-DB-T
**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

OC: 03/22/20
Claimant: Appellant (2)

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

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the April 22, 2021 (reference 05) unemployment insurance decision that found claimant was overpaid LWA benefits in the amount of \$1,800.00 for the six-week period ending September 5, 2020. The claimant was properly notified of the hearing. A telephone hearing was held on July 19, 2021. The claimant participated personally. Chadley Carter participated as a witness for the claimant. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records. The hearing was consolidated with Appeal Nos. 21A-UI-11925-DB-T; 21A-UI-11926-DB-T; 21A-UI-11927-DB-T; 21A-UI-11928-DB-T; and 21A-UI-11929-DB-T.

ISSUE:

Is the claimant overpaid LWA benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed an original claim for unemployment insurance benefits effective March 22, 2020. An unemployment insurance decision was issued on April 22, 2021 (reference 01) that found he was not eligible for benefits due to a previous adjudication in a prior claim year. That decision was reversed in Appeal No. 21A-UI-11926-DB-T. The overpayment issue in this case was created by a disqualification decision that has been reversed on appeal.

REASONING AND CONCLUSIONS OF LAW:

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

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

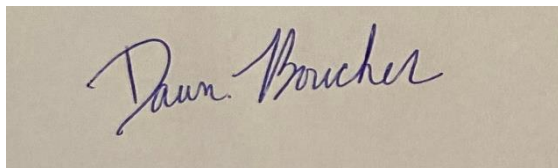
overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

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 has not been overpaid LWA benefits in the amount of \$1,800.00 for six weeks ending September 5, 2020 due to any separation from employment from Badger Daylighting Corp. as the disqualification decision that created the overpayment has been reversed. See Appeal No. 21A-UI-11926-DB-T.

DECISION:

The April 22, 2021 (reference 05) unemployment insurance decision is reversed. The claimant has not been overpaid LWA benefits in the amount of \$1,800.00 for the six weeks ending September 5, 2020 as the disqualification decision that created the overpayment has been reversed.

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

Dawn Boucher
Administrative Law Judge

July 28, 2021
Decision Dated and Mailed

db/lj