

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**JUSTIN SULLIVAN**  
Claimant

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**APPEAL NO. 21R-UI-25180-AD-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 05/03/20**  
**Claimant: Appellant (2)**

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

**STATEMENT OF THE CASE:**

On June 4, 2021, Justin Sullivan (claimant/appellant) appealed the decision dated May 3, 2021 (reference 07) that concluded the claimant was overpaid Lost Wage Assistance Payments in the amount of \$1,800.00 for the six-week period ending September 5, 2020 due to an administrative law judge decision dated May 21, 2021 which denied benefits.

A telephone hearing was set for August 7, 2021. It is unclear whether claimant participated in the hearing. A decision was issued on August 13, 2021, finding the overpayment issue was previously adjudicated in Appeal No. 21A-UI-06312-JC-T and remains in force.

Claimant appealed the decision further to the Employment Appeal Board (EAB). The EAB issued a decision on November 15, 2021, remanding for a new hearing.

A telephone hearing was held on January 11, 2021. The parties were properly notified of the hearing. Claimant participated personally. Official notice was taken 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 overpayment decision was the result of a decision finding claimant disqualified from benefits. That determination is no longer in force and a decision finding claimant's separation from employment was not disqualifying has been issued. See 21R-UI-25175-AD-T.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons set forth below, the decision dated May 3, 2021 (reference 07) that concluded the claimant was overpaid Lost Wage Assistance Payments in the amount of \$1,800.00 for the

six-week period ending September 5, 2020 due to an administrative law judge decision dated May 21, 2021 which denied benefits is REVERSED.

The overpayment decision at issue here was the result of a decision finding claimant disqualified from benefits. That determination is no longer in force and a decision finding claimant's separation from employment was not disqualifying has been issued. See 21R-UI-25175-AD-T.

Because the decision leading to the overpayment is no longer in force and claimant's separation has been determined to not be disqualifying there was no overpayment.

**DECISION:**

The decision dated May 3, 2021 (reference 07) that concluded the claimant was overpaid Lost Wage Assistance Payments in the amount of \$1,800.00 for the six-week period ending September 5, 2020 due to an administrative law judge decision dated May 21, 2021 which denied benefits is REVERSED. There was no overpayment.



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February 2, 2022  
Decision Dated and Mailed

abd/abd