

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

JAN GORMAN
Claimant

APPEAL 22A-UI-01386-S2-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 04/12/20
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

The claimant Jan Gorman appealed the December 8, 2021, (reference 05) decision that concluded the claimant was overpaid Lost Wages Assistance Program (LWAP) benefits. A telephone hearing was held on February 7, 2022, pursuant to due notice, and was consolidated with the hearing for appeals 22A-UI-01379-S2-T, 22A-UI-01380-S2-T, 22A-UI-01381-S2-T, and 22A-UI-01384-S2-T. Claimant participated personally. Claimant's Exhibits A and B were received. The administrative law judge took official notice of the administrative record.

ISSUE:

Is the claimant overpaid LWAP benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: On February 22, 2021, Iowa Workforce Development (IWD) issued a decision (reference 01) that denied claimant regular state unemployment insurance (UI) benefits. That decision has been affirmed. See 22A-UI-01379-S2-T. Claimant has received LWAP benefits in the gross amount of \$1,800.00 for the six-week period ending September 5, 2020.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes claimant has been overpaid benefits for the period in question.

Iowa Code § 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.

b. (1) (a) If the department determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

The decision that denied claimant regular unemployment insurance benefits remains in effect. Because claimant is not eligible for UI benefits, claimant is also not eligible for LWAP benefits. Therefore, claimant has received LWAP benefits to which they were not entitled. The administrative law judge concludes that claimant has been overpaid LWAP benefits in the amount outlined in the findings of fact above. Those benefits must be recovered in accordance with Iowa law.

DECISION:

The December 8, 2021 (reference 05) decision is affirmed. Claimant has been overpaid LWAP benefits in the amount of \$1,800.00, which must be repaid.



Stephanie Adkisson
Administrative Law Judge
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February 24, 2022
Decision Dated and Mailed

sa/kmj