

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SHAYLEIGH SMITH
Claimant

APPEAL 21A-UI-22949-CS-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 03/15/20
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

On October 14, 2021, the claimant/appellant appealed the October 8, 2021, (reference 06) decision that concluded the claimant was overpaid Lost Wages Assistance Program (“LWAP”) benefits in the amount of \$1,200.00 for the six-week period ending September 5, 2020. After due notice was issued a hearing was scheduled to be held by telephone on December 9, 2021. The hearing was postponed due to a notice of hearing issue in appeal 21A-UI-22944-CS-T. After due notice a hearing was held by telephone on December 28, 2021. The hearing was held together with appeals 21A-UI-22944-CS-T; 21A-UI-22945-CS-T; 21A-UI-22946-CS-T; and 21A-UI-22947-CS-T and combined into one record. The claimant participated in the hearing. Administrative notice was taken of the claimant’s unemployment insurance benefits records.

ISSUE:

Is the claimant overpaid LWAP benefits?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed for and has received LWAP benefits in the gross amount of \$1,200.00 for the four-week period beginning August 9, 2020 and ending September 5, 2020.

On June 11, 2021, Iowa Workforce Development (IWD) issued a decision (reference 02) that found claimant was ineligible for benefits. That decision has been affirmed. See 21A-UI-22944-CS-T.

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 regular UI benefits, claimant is also not eligible for LWAP benefits. Therefore, he has received LWAP benefits to which they were not entitled. The administrative law judge concludes that the claimant has been overpaid LWAP benefits in the amount outlined in the findings of fact above, and those benefits must be repaid.

DECISION:

The October 8, 2021 (reference 06) decision is affirmed. Claimant has been overpaid LWAP benefits in the amount of \$1,200.00, which must be repaid.



Carly Smith
Administrative Law Judge
Unemployment Insurance Appeals Bureau

January 25, 2022
Decision Dated and Mailed

cs/scn

Note to Claimant:

This decision determines you have been overpaid LWAP benefits. If you disagree with this decision, you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Additionally, instructions for requesting a waiver of this overpayment can be found at <https://www.iowaworkforcedevelopment.gov/federal-unemployment-insurance-overpayment>. If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.

You may find additional information about food, housing, and other resources at <https://covidrecoveryiowa.org/> or at <https://dhs.iowa.gov/node/3250>