

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MAUREEN E. ROBERTSON
Claimant

APPEAL 22A-UI-04513-CS-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

OC: 04/19/20
Claimant: Appellant (1R)

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

STATEMENT OF THE CASE:

On February 10, 2022 the claimant/appellant appealed the February 3, 2022, (reference 07) decision that concluded the claimant was overpaid Lost Wages Assistance Program (“LWAP”) benefits in the amount of \$1,800.00 for the five-week period ending September 5, 2020. A telephone hearing was held on March 23, 2022. The hearing was held together with appeals 22A-UI-04503-CS-T; 22A-UI-04504-CS-T; 22A-UI-04505-CS-T; 22A-UI-04508-CS-T; 22A-UI-04511-CS-T; and 22A-UI-04512-CS-T, and combined into one record. The claimant participated. 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:

Claimant filed for and has received LWAP benefits in the gross amount of \$1,800.00 for the five-week period ending September 5, 2020.

On March 11, 2021, Iowa Workforce Development (IWD) issued a decision (reference 02) that found claimant was ineligible for benefits. That decision has been affirmed. See 22A-UI-04504-CS-T.

Claimant filed for Pandemic Unemployment Assistance (PUA). On March 15, 2021, claimant was approved for PUA benefits. Claimant’s approval retroactively approved her for benefits beginning on April 19, 2020. Claimant was paid PUA benefits for the weeks beginning March 13, 2021 through week ending April 17, 2021. KPY1 does not show that claimant was paid PUA benefits from April 19, 2020 through March 12, 2021. Claimant received FPUC benefits and LWAP benefits as a result of the state unemployment benefits. Claimant has not been issued FPUC and LWAP benefits as a result of the PUA benefits from April 19, 2020 through March 12, 2021.

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, she has received LWAP benefits to which she is 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 February 3, 2022 (reference 07) decision is affirmed. Claimant has been overpaid LWAP benefits in the amount of \$1,800.00, which must be repaid.

REMAND:

The issue of whether claimant was paid PUA benefits, FPUC benefits as a result of the PUA benefits, and LWAP benefits as a result of the PUA benefits, from April 19, 2020 through March 12, 2021, is remanded to the Benefits Bureau to make a determination on whether claimant's overpayment balances can be offset by the unpaid PUA, FPUC and LWAP benefits and issue any surplus of benefits to claimant. If an offset of benefits cannot occur then the Benefits Bureau shall issue payment to claimant for the benefits.



Carly Smith
Administrative Law Judge
Unemployment Insurance Appeals Bureau

March 31, 2022

Decision Dated and Mailed

cs/abd

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.

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