

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

CHARLES E SCOTT
Claimant

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

APPEAL 21A-UI-19927-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

OC: 02/16/20
Claimant: Appellant (1)

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

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the August 27, 2021 (reference 11) unemployment insurance decision that found claimant was overpaid LWA benefits in the amount of \$1,800.00 for 6 weeks between July 26, 2020 and September 5, 2020. The claimant was properly notified of the hearing. A telephone hearing was held on November 8, 2021. The claimant participated personally. The administrative law judge took administrative notice of the claimant's unemployment insurance benefits records. The hearing was consolidated with Appeal No. 21A-UI-19925-DB-T; 21A-UI-19926-DB-T; and 21A-UI-19928-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 regular unemployment insurance benefits funded by the State of Iowa with an effective date of February 16, 2020. He was paid regular unemployment insurance benefits funded by the State of Iowa from the benefit week beginning July 26, 2020 through August 29, 2020 in the amount of \$2,049.00. Claimant was paid Federal Pandemic Emergency Unemployment Compensation benefits of \$11,458.00 for twenty-seven weeks between August 30, 2020 and March 20, 2021. Claimant was paid Lost Wages Assistance benefits of \$1,800.00 for six weeks between July 26, 2020 and September 5, 2020. Claimant was paid Federal Pandemic Unemployment Compensation benefits of \$3,600.00 for twelve weeks ending March 20, 2021.

Iowa Workforce Development issued a decision on March 29, 2021 (reference 08) finding that the claimant voluntarily quit work with Adecco USA on August 1, 2020 and he was disqualified for benefits due to that separation from employment. Claimant filed an appeal to that denial decision and an Administrative Law Judge (ALJ) decision was issued by ALJ Rowe on June 22, 2021 in Appeal No. 21A-UI-09192-AR-T finding that the separation from employment was disqualifying. The claimant filed an appeal of that ALJ decision to the Employment Appeal Board (EAB) and a decision was issued in Appeal No. 21B-UI-09192 on August 10, 2021

affirming the ALJ decision. No further appeal of the EAB decision was filed by the claimant and it became final.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code § 96.3(7)a provides:

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 received LWA benefits but was not eligible for those benefits due to a disqualifying separation from employment on August 1, 2020. That disqualifying decision was affirmed in the ALJ decision issued in Appeal No. 21A-UI-09192-AR-T and affirmed by the EAB in Appeal No. 21B-UI-09192 on August 10, 2021. No further appeal was filed. As such, the claimant was paid LWA benefits to which he was not entitled to in the amount of \$1,800.00 from July 26, 2020 through September 5, 2020 and is overpaid those benefits.

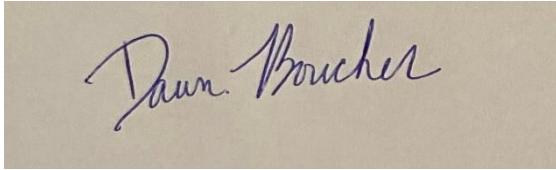
The claimant may request a waiver of the overpayment of LWA benefits. The request for waiver should be sent to:

Iowa Workforce Development
Overpayment Waiver Request
1000 East Grand Avenue
Des Moines, Iowa 50319

The request for waiver of overpayment should include the claimant's name, address, decision number and date of decision, dollar amount of overpayment requested for waiver, and all relevant facts the claimant feels would justify a waiver of the overpayment balance. The claimant may also visit <https://www.iowaworkforcedevelopment.gov/application-overpayment-waiver>.

DECISION:

The August 27, 2021 (reference 11) unemployment insurance decision is affirmed. The claimant was overpaid LWA benefits in the amount of \$1,800.00 for six weeks ending September 5, 2020.



Dawn Boucher
Administrative Law Judge

December 9, 2021

Decision Dated and Mailed

db/abd