

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

MOUSA MOUSA-MAKKY
Claimant

APPEAL 21A-UI-24913-AR-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:

The claimant, Mousa Mousa-Makky, filed an appeal from the October 26, 2021, (reference 07) unemployment insurance decision that determined claimant was overpaid Lost Wages Assistance Program (LWAP) benefits in the amount of \$1,800.00 for the six-week period ending September 5, 2020. After due notice was issued, a hearing was held by telephone conference call on January 7, 2022, and was consolidated with the hearing for appeal numbers 21A-UI-24908-AR-T, 21A-UI-24910-AR-T, 21A-UI-24911-AR-T, and 21A-UI-24912-AR-T. Claimant participated personally. 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 six-week period ending September 5, 2020. On March 25, 2021, Iowa Workforce Development (IWD) issued a decision (reference 02) that disqualified claimant from receiving regular unemployment insurance benefits. That decision has been affirmed and become final. See 21A-UI-13060-SN-T and 21B-UI-13060-EAB.

REASONING AND CONCLUSIONS OF LAW:

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

Iowa Code section 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, the claimant 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. Claimant is obligated to repay the LWAP benefits unless repayment of this obligation is waived. Instructions on how to apply for a waiver are found below.

DECISION:

The October 26, 2021 (reference 07) decision is affirmed. Claimant has been overpaid LWAP benefits in the amount of \$1,800.00, which must be repaid.



Alexis D. Rowe
Administrative Law Judge

February 1, 2022
Decision Dated and Mailed

ar/mh

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 also request a waiver of this overpayment. The written request must include the following information:
 1. Claimant name & address.
 2. Decision number/date of decision.
 3. Dollar amount of overpayment requested for waiver.
 4. Relevant facts that you feel would justify a waiver.
- The request should be sent to:

Iowa Workforce Development
Overpayment waiver request
1000 East Grand Avenue
Des Moines, IA 50319
- This Information can also be found on the Iowa Workforce Development website at: <https://www.iowaworkforcedevelopment.gov/unemployment-insurance-overpayment-and-recovery>.
- If this decision becomes final and you are not eligible for a waiver, you will have to repay the benefits you received.