

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**RACHEL GERRITSON**  
Claimant

**APPEAL 22A-UI-06169-AW-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

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

Iowa Code § 96.3(7) – Payment – Overpayment

**STATEMENT OF THE CASE:**

Claimant filed an appeal from the March 2, 2022 (reference 04) unemployment insurance decision that found claimant was overpaid Lost Wages Assistance (LWA) benefits. Claimant was properly notified of the hearing. A telephone hearing was held on April 21, 2022. Claimant participated. No exhibits were admitted. Official notice was taken of the administrative record.

**ISSUE:**

Whether claimant is overpaid LWA benefits.

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds:

Claimant received LWA benefits in the gross amount of \$1,200.00 for the four-week period between July 26, 2020 and August 22, 2020.

On March 4, 2021, Iowa Workforce Development (IWD) issued a decision (reference 01) that denied claimant UI benefits. That decision has been affirmed (see appeal number 22A-UI-06166-AW-T).

**REASONING AND CONCLUSIONS OF LAW:**

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

Iowa Code section 96.3(7) states:

*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.

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

**DECISION:**

The March 2, 2022 (reference 04) unemployment insurance decision is affirmed. Claimant has been overpaid LWA benefits in the amount of \$1,200.00, which must be repaid.



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Adrienne C. Williamson  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
Iowa Workforce Development  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax (515)478-3528

April 26, 2022  
Decision Dated and Mailed

acw/acw

**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/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.