

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

JOSEPH C FAHLBECK
Claimant

APPEAL 21A-UI-18369-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 09/15/19
Claimant: Appellant (1)**

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

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the August 4, 2021 (reference 03) unemployment insurance decision that found claimant was overpaid Lost Wages Assistance (LWA) benefits in the amount of \$600.00 for two weeks between August 16, 2020 and August 29, 2020. The claimant was properly notified of the hearing. A telephone hearing was held on October 12, 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-18367-DB-T and 21A-UI-18368-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 September 15, 2019. He received his maximum benefit amount for State of Iowa funded unemployment insurance benefits during the week-ending August 15, 2020. Claimant was paid Federal PEUC benefits effective August 16, 2020 through August 29, 2020 in the total amount of \$1,036.00. He was also paid Lost Wages Assistance benefits for the two weeks of August 16, 2020 through August 29, 2020 in the total amount of \$600.00.

A decision was issued on September 21, 2020 (reference 01) that found the claimant was not eligible for Federal PEUC benefits effective August 16, 2020 because he was monetarily eligible for regular State funded benefits in either Nebraska or Illinois. That decision was affirmed in Appeal No. 21A-UI-18367-DB-T.

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.

(emphasis added).

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 from August 16, 2020 through August 29, 2020 because at that time there was no disqualifying decision that found he was not eligible for the Federal PEUC benefits. The LWA benefits were paid in conjunction with and based upon his eligibility for PEUC benefits. As soon as the claimant was disqualified from receipt of regular unemployment insurance benefits pursuant to the decision issued on September 21, 2020 and affirmed in Appeal No. 21A-UI-18367-DB-T, he was no longer eligible for LWA benefits.

Because the claimant has not been found eligible for PUA benefits, or any other qualifying program in which LWA benefits would be paid in conjunction with, the claimant has been overpaid LWA benefits in the amount of \$600.00 for two weeks between August 16, 2020 and August 29, 2020.

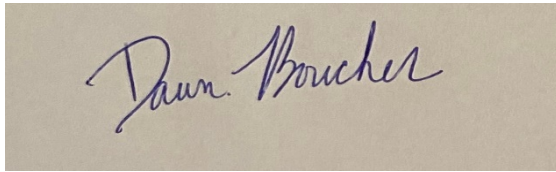
The claimant may request a waiver of the overpayment of LWA benefits. The request for waiver should be sent to:

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 4, 2021 (reference 03) unemployment insurance decision is affirmed. The claimant was overpaid LWA benefits in the amount of \$600.00 for two weeks between August 16, 2020 and August 29, 2020.

A rectangular area containing a handwritten signature in blue ink that reads "Dawn Boucher". The signature is written in a cursive style.

Dawn Boucher
Administrative Law Judge

October 22, 2021
Decision Dated and Mailed

db/scn