

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

CRYSTAL L DEES
Claimant

APPEAL NO. 22A-UI-03519-ED-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 10/13/19
Claimant: Appellant (2)**

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

STATEMENT OF THE CASE:

On January 20, 2022, the claimant Crystal Dees, appealed the January 12, 2022, (reference 04) decision that concluded the claimant was overpaid Lost Wages Assistance Program (“LWAP”) benefits in the amount of \$300.00 for the 1-week period ending August 29, 2020. A telephone hearing was held on May 19, 2022, pursuant to due notice and was consolidated with the hearing for 22A-UI-03519-ED-T. The claimant, Crystal Dees, participated. No exhibits were offered or admitted. 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 \$300.00 for the 1-week period ending August 29, 2020. On January 13, 2022, Iowa Workforce Development (IWD) issued a decision (reference 3) that denied claimant UI benefits. That decision has been reversed. See *22A-UI-03518-ED-T*.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge concludes claimant has not 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

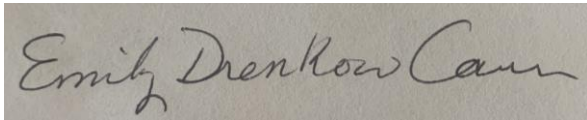
not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to 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 was reversed. Because claimant is eligible for regular UI benefits, claimant is also eligible for LWAP benefits. Therefore, she has received LWAP benefits to which she was entitled. The administrative law judge concludes that the claimant has not been overpaid LWAP benefits in the amount outlined in the findings of fact above. No repayment is required.

DECISION:

The January 12, 2022 (reference 04) decision is reversed. Claimant has not been overpaid LWAP benefits in the amount of \$300.00.



Emily Drenkow Carr
Administrative Law Judge

June 29, 2022
Decision Dated and Mailed

ed/mh