

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

**JESSICA FULLER**  
Claimant

**APPEAL NO. 21A-UI-09814-LJ-T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 03/22/20**  
**Claimant: Appellant (1)**

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

**STATEMENT OF THE CASE:**

On April 6, 2021, the claimant Jessica Fuller appealed the March 30, 2021, (reference 08) decision that concluded the 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, as a result of an overpayment of regular unemployment insurance benefits decision. A telephone hearing was held at 1:00 p.m. on Tuesday, June 15, 2021, pursuant to due notice. The claimant, Jessica Fuller, participated. 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 January 13, 2021, Iowa Workforce Development (IWD) issued a decision (reference 01) that denied claimant regular unemployment insurance benefits. That decision has been affirmed. See 21A-EUCU-00059-LJ-T.

**REASONING AND CONCLUSIONS OF LAW:**

The administrative law judge concludes claimant has 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

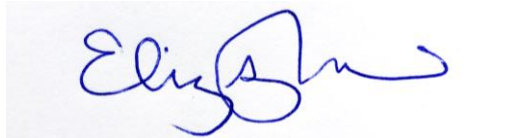
not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to 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 remains in effect. Because claimant is not eligible for regular UI benefits, she is also not eligible for LWAP benefits. Therefore, she has received LWAP benefits to which she was not entitled. The administrative law judge concludes that the claimant has been overpaid LWAP benefits in the amount of \$1,800.00 pursuant to Iowa Code § 96.3(7), and those benefits must be repaid.

**DECISION:**

The March 30, 2021, (reference 08) decision is affirmed. The claimant has been overpaid LWAP benefits in the gross amount of \$1,800.00 to which she was not entitled and those benefits must be recovered in accordance with Iowa law.



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June 29, 2021  
Decision Dated and Mailed

lj/mh